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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

ESTONIA

[7 June 2001]

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Annexes*

1. The Constitution of the Republic of Estonia

2. Republic of Estonia Child Protection Act

3. Family Law Act

4. Basic Schools and Upper Secondary Schools Act

* The annexes are available for consultation in the files of the secretariat.

I. GENERAL MEASURES OF IMPLEMENTATION

1. The Republic of Estonia acceded to the Convention on the Rights of the Child by a resolution of the Supreme Council of the Republic of Estonia of 26 September 1991 (RT 1991, 35, 428), the letter of accession was deposited with the United Nations Secretary-General on 21 October 1991 and the Convention took effect in relation to Estonia on 20 November 1991. The text of the Convention on the Rights of the Child has been published in Part II of the *Riigi Teataja* (RT II 1996, 16, 56), which has a circulation of 2,500 copies. The *Riigi Teataja* is an official gazette for the publication of Estonian laws and accompanying legislation. Part II of the *Riigi Teataja* is for the publication of international treaties and their Estonian translations. The legislation published in the *Riigi Teataja* can be accessed through the Internet.

2. In addition to the Convention on the Rights of the Child, Estonia intends in the near future to accede to other international conventions for the protection of the child - the Hague Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children. The latter was approved by the Government of Estonia on 2 May 2000. Accession to the Hague Convention on the Civil Aspects of International Child Abduction has been prepared and submitted to the Government of the Republic.

3. The Constitution of the Republic of Estonia (RT 1992, 26, 349) was approved in a referendum in 1992. The Constitution determines the status of norms of international law in the Estonian legal system. According to article 3 of the Constitution, generally recognized principles and rules of international law are an inseparable part of the Estonian legal system. If Estonian laws or other legislation are in conflict with international treaties ratified by the Riigikogu (the Parliament), provisions of the relevant international treaty will apply, according to article 123 of the Constitution.

4. In accordance with the Foreign Relations Act (RT I 1993, 72/73, 1020) the Government of the Republic is responsible for the fulfilment of international treaties. If an Estonian legal act contradicts an international treaty, the Government either submits a bill to the Riigikogu for amendments to the act or the Government amends other legal acts within its competence to comply with the treaty.

5. The Supreme Court has in several judgements referred to international human rights agreements, for example the International Covenant of Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention on the Rights of the Child. In 1996, the Riigikogu passed the Non-Profit Associations Act (RT I 1996, 42, 811; 1998, 96, 1515; 1999, 10, 155; 23, 355), which the President did not promulgate as he found the Act to be in contradiction with the Constitution and with article 15.1 of the Convention on the Rights of the Child. The President noted that the Non-Profit Associations Act restricts the rights of children to form associations and participate in their management because the Act allows only natural persons with active legal capacity to form non-profit associations and participate in the management of their operation. According to Estonian legislation, children have only limited active legal capacity, which rules out the possibility of children forming associations. The question was examined by the Supreme Court

and the Court decided to declare the Non-Profit Associations Act as being in contradiction with the Constitution (Supreme Court Constitutional Review Chamber judgement of 10 May 1996).

6. Estonian laws regulating the protection of children contain generally recognized principles and norms of international law. The rights of children are guaranteed by the provisions of the Constitution and other legislation.

7. According to the Constitution, the family as being fundamental for the preservation and growth of the nation and as the basis of the society is protected by the State. Parents have the right and the duty to raise and care for their children. The law provides for the protection of parents and children. Families with many children and disabled people are under the special care of the State and local authorities (arts. 27, 28).

8. In 1992, the Child Protection Act was adopted (RT 1992, 28, 370). The Child Protection Act is based on the Convention on the Rights of the Child. According to the Act, persons below the age of 18 years are considered as children. The guiding principle in the protection of children is at all times and in all cases to place the child's interests first (arts. 1-3).

9. In addition to the Child Protection Act, rights of the child are regulated by the following laws:

Family Act (RT I 1994, 75, 1326; 1997, 28, 422; 35, 538);

Education Act (RT I 1992, 12, 192; 1994, 12, 200; 1997, 42, 678; 81, 1365; 1999, 51, 550; 102, 908);

Pre-School Child Care Institutions Act (RT I 1999, 27, 387);

Basic and Upper Secondary Schools Act (RT I 1993, 63, 892; RT I 1999, 42, 497);

Vocational Schools Act (RT I 1998, 64/65, 1007; RT I 1999, 10, 150);

Hobby Schools Act (RT I 1995, 58, 1004);

Means for Influencing Minors Act (RT I 1998, 17, 264);

Youth Work Act (RT I 1999, 27, 392);

Social Welfare Act (RT I 1995, 21, 323);

Family Benefits Act (RT I 1997, 42, 676; 77, 1309; 1998, 86/87, 1407; 1999, 67, 657; 82, 749);

Non-Profit Associations Act (RT I 1996, 42, 811; 1998, 96, 1515; 59, 941; 1999, 23, 355; 67, 658);

Churches and Congregations Act (RT I 1993, 30, 510);

Citizenship Act (RT I 1995, 12, 122; 83, 1442; 1998, 111, 1827; 2000, 51, 323);

Ethnic Minorities Cultural Autonomy Act (RT I 1993, 71, 1001);

Social Benefits for the Disabled Act (RT I 1999, 16, 273).

10. Supervision of the activities of State agencies, including the guarantee of constitutional rights and freedoms, is exercised by the Legal Chancellor. The Legal Chancellor is an independent official responsible for monitoring that legal acts adopted by the State legislator and the executive and by the local governments are in conformity with the Constitution and the laws (article 139 of the Constitution). The activities of the Legal Chancellor are set out in the Legal Chancellor Act (RT I 1999, 29, 406). According to article 19 of the Legal Chancellor Act everyone has the right to recourse to the Legal Chancellor to supervise the activities of the State, including the guarantee of the constitutional rights and freedoms of persons. Thus, the Legal Chancellor also performs the tasks of an ombudsman. So far no petitions directly concerning the rights of children have been filed with the office of the Legal Chancellor. The Legal Chancellor has the right to appoint special advisers, including advisers to work specifically in the area of the rights of children.

11. The working plan of the Ministry of Social Affairs includes drawing up a strategy for the protection of children. According to the plan, the strategy will be completed by 15 December 2001. The main goal of the strategy will be to help improve and amend legislation and the better implementation of the Convention on the Rights of the Child in Estonia.

12. The working plan of the private law department of the Ministry of Justice includes drawing up a new Family Act. The deadline for submitting the draft law to the Government of the Republic is 2001.

13. In Estonia, no assessment has been made covering the full range of articles of the Convention on the Rights of the Child in comparison with the national legislation. However, an assessment has been made of the alignment of Estonian legislation with the Convention regarding certain aspects. For example, a comparative analysis has been made on the topic of preventive and corrective action to alter the social behaviour of children who have committed a legal offence. This analysis covered topics relating to the child on a wider scale.

14. It is important to state that the Constitution stipulates that the laws shall be passed in accordance with the Constitution (art. 102). The conformity of draft legislation with the Convention on the Rights of the Child and other relevant international agreements is taken into consideration within the normal coordination/consultation procedure between different ministries. There are number of legislative acts that regulate the drafting and adoption of laws.

15. According to the Child Protection Act, the protection of children is guaranteed through State and local government bodies and social institutions. At the national level, the protection of children is coordinated by the Ministry of Social Affairs (arts. 4, 5). In the Ministry of Social Affairs, coordination of activities for the protection of children is within the competence of the Deputy Secretary-General responsible for the social sector; daily work for the protection of

children is coordinated by the Welfare Department. The Ministry of Social Affairs cooperates with the Ministry of Education, the Police Board and other State agencies. At the regional level, national policies are implemented by county governments, which coordinate activities for the protection of children pursued by local authorities. The coordinators of work for the protection of children at the local government level are social workers of the social services departments.

16. According to the Local Government Organization Act (RT I 1999, 82, 755), article 5, the functions of local authorities in a rural municipality or city include the organization from their budgetary resources of the following services: social assistance services, housing and utility management, maintenance of pre-school childcare institutions, basic schools, upper secondary schools (gymnasiums), hobby schools, libraries, community centres, museums, sports facilities, shelters and care homes, and health-care institutions.

17. An advantage of organizing activities for the protection of children through local authorities is that they are better aware of the particular needs and interests of children and families. In addition to social workers, 109 child protection officials were employed by local authorities in 1999; 76 of them had special professional training (data of the Statistical Office). Many local authorities in Estonia are small and therefore do not have sufficient resources. Of the 247 local government units in Estonia, 194 have less than 5,000 inhabitants. The administrative reform planned in Estonia should, among other things, help to advance the activities of local authorities in preventing and solving problems regarding the protection of children. Meanwhile many local authorities have joined their efforts in providing various services and have consequently increased the quality and variety of services offered.

18. Networking is only in the phase of development. To promote networking, a number of training sessions have been carried out in recent years, in which several non-governmental organizations in addition to government agencies have played a role. The Estonian Central Union for the Protection of Children has issued several publications to educate people about the importance and nature of networking. A positive example is the Tartu Children's Support Centre, where principles of networking have been used to solve problems of maltreated children for five years already. Good results at the local level have been achieved through cooperation with social workers, educators, the police, health-care workers and, if necessary, also with the prosecutor's office and the courts. An organization similar in its aims to the Tartu Children's Support Centre was established in Tallinn in 1998.

19. In 1994, a juvenile police department was created under the jurisdiction of the police structure. Its aim is to prevent and solve offences committed by minors. In local prefectures, crime prevention and youth services have been formed whose task is to undertake criminal prevention work among the population and children and to coordinate the respective activities within the police structure. In other parts of the law enforcement structure (courts, prosecutors' offices), there is no special branch working with children and young people.

20. The ministries and executive agencies collect data necessary for their work. Statistical data on the situation of children is collected by the Statistical Office of Estonia and by the ministries. Studies on the situation of children have also been made by universities and within the framework of international projects. The analysis made on the basis of the data is used to amend and improve laws and to draft the yearly State budget.

21. The following national programmes for the protection of children could be mentioned: "Programme for the health of children and youth"; "Prevention of offences by minors, using legal, social and psychological means"; "Development of child welfare". Projects for the protection of children have also been carried out within national welfare programmes like "Preventive work in the social sector", "Implementation of open care', "Reorganization of State social welfare institutions", "Development of a system for the resocialization of people who have committed offences" and "Creation of a system for assisting victims of crimes".

22. Many foreign countries and several international organizations have provided assistance for the solution of problems related to child protection. Within the European Union STOP programme, a project for the prevention of commercial sexual exploitation of children was financed. Several projects for the protection of the health of children and youth have been financed through the EU Phare programme. There is also close cooperation with the Swedish, Danish and Finnish Ministries of Social Affairs. As part of such cooperation, projects for assisting children from families at risk have been financed. Several smaller organizations have supported local projects within one local government unit, cooperating with Estonian non-governmental organizations and local authorities.

23. In Estonia, the UNICEF National Committee has been created. It participates actively in the shaping of public opinion and cooperates with various government institutions to improve the situation of children in Estonia.

24. The Estonian Human Rights Institute carried out a project entitled "Rights of the child in the Baltic States" together with Latvian, Lithuanian and Danish specialists. The aim of the project was to analyse the situation in these States and suggest possibilities to the governments for eliminating the bottlenecks.

25. In cooperation with the Nordic Council of Ministers, a project entitled "National support network for children" was carried out.

Table 1

Persons working with children in various institutions

	1999
Child protection officials in rural municipalities and cities	109
Child protection officials in counties	11
Juvenile officials in counties	14
In juvenile committees of the counties	15
In juvenile committees of the rural municipalities and cities	19
In juvenile prisons	219
In social welfare institutions:	
Children's homes	854
School homes	275
Children's homes of family type	74

Table 1 (continued)

	1999
Youth homes	16
Mixed-care social welfare institutions	14
Shelters	164
Social rehabilitation centres	208
In the police	82

Source: Data from Ministry of Social Affairs and Estonian Statistical Office.

26. A total of 1,855 people are directly involved in their daily work with children. In reality, this number is even larger because to it should be added kindergarten and schoolteachers, school psychologists and school social workers, medical workers and non-governmental organization workers, as well as volunteers.

Table 2

Expenditure from the State budget for children in 2000 (in thousands of kroons)

Jurisdiction of the Ministry of Education	
Tiger Leap Foundation	21 500
Hobby schools	6 400
Other expenditure on education	59 395
Municipal schools	1 210 187
Gymnasiums	20 825
Schools for children with special needs	19 189
Private schools	14 846
Sanatorium schools and special boarding schools	45 428.2
Investments in general education (incl. municipal schools)	158 152
State schools for disabled children	92 484
Total	**16 billion**
Ministry of Culture	
Support to the youth sports activities	26 009.7
Ministry of Agriculture	
Support to the project "Milk for pupils"	5 000
Ministry of Social Affairs	
Support to the health programme for children and youth	2 323.7
State welfare of children	88 514
Social support to children with disabilities	50 304
Support to the Union of Families With Many Children	1 000
Child benefits, child-care allowances	1 338 408.0
Total	**1 480 549.7**

Table 2 (continued)

Other expenditure	
Transport support to pupils at municipal schools	35 000
Total expenditure	**3 052 823.9**
Expenditure from the State budget	**2 853 098.8**
Percentage for children	**7.4**

Source: Ministry of Social Affairs, Ministry of Education, Ministry of Culture, Ministry of Agriculture and Estonian Statistical Office.

27. In addition to the above funding, the Ministry of Justice allocated EK 18.5 million for the operating expenses of juvenile prisons under its jurisdiction in 1999. The expenditure of local authorities in the listed spheres of activity for children is not brought out separately in the budgets.

II. DEFINITION OF THE CHILD (art. 1)

28. According to the Child Protection Act, a child is a person below 18 years of age. Passive legal capacity begins with the birth of the person and ends with his or her death. An adult person, i.e. a person 18 years of age, has active legal capacity. If a person who is at least 16 years of age has married before becoming 18, the person who is a minor obtains active legal capacity from the moment of contraction of marriage. Upon termination or annulment of the marriage the person does not lose active legal capacity acquired by marriage (General Principles of the Civil Code Act, art. 9).

29. Persons between 7 and 18 years of age have limited active legal capacity and they have the right to enter into transactions with the consent of a legal representative (parent, guardian). A transaction entered into without the consent of a legal representative is deemed to be valid if the minor performs the transaction with the means that were granted to him or her for this purpose or for use at his or her discretion by the minor's legal representative or a third person with the latter's consent (General Principles of the Civil Code Act, art. 10).

30. Minors under the age of 7 have no active legal capacity. On their behalf, transactions are entered into by a legal representative who is a parent, or exceptionally also a guardian appointed by the court. A minor under the age of 7 may independently enter into petty transactions (General Principles of the Civil Code Act, art. 11). Everyone with passive legal capacity has ability to inherit, thus including also minors.

31. The Family Act provides additional protection of children's interests by establishing limitations for guardians of the child on concluding transactions (art. 99); a guardian may not without a prior approval of a guardianship authority (supervisory guardian): transfer immovable property of the ward; transfer movable property of the ward which is of special value for the ward; pledge and give away as a gift things belonging to the ward or take on proprietary liabilities in the ward's name; take a loan in the name of the ward; waive collection of a debt or

acceptance of an inheritance on behalf of the ward. Transactions between the guardian and the ward are prohibited. The guardian may not enter into transactions on behalf of the ward with his or her spouse and relatives (art. 100). Limitations on guardians entering into transactions are also applicable with regard to the child's parents.

32. According to the Child Protection Act, every child has an inherent right to life and health, and a child has to be registered in the health-care institution right after the birth (see chap. IV, sect. A below). Estonian laws do not prescribe any age limitations for seeking independent counselling from a health-care institution. In basic schools, upper secondary schools and vocational schools the health of children is taken care of by a school doctor and/or nurse and children have the right to consult them on their own initiative (see chap. VI, sect. A below).

33. Children who have attained 7 years of age by 1 October of the current year are subject to the obligation to attend school. Upon the wish of the parents a child who has attained 6 years of age by 30 April of the current year may be admitted to the first year at school. A student is obliged to attend school until completing basic education (9 years at basic school) or until attaining 17 years of age (Basic and Upper Secondary Schools Act, article 17) (see chap. VII, sect. A below).

34. According to the Labour Contracts Act (RT I 1992, 15, 241), a person who has attained 18 years of age may be employed. In exceptional cases, with the written consent of a parent or guardian, a minor having attained 15 years of age may be employed if the work does not endanger the minor's health, morals and acquiring of education and if the work is not prohibited for minors. A minor between 13 and 15 years of age may be employed with the written consent of a parent or guardian and the labour inspector of the employer's location and for work included in the list approved by the Government of the Republic if the work does not endanger the minor's health, morals and acquiring of education and if the work is not prohibited for minors.

35. Minors have a reduced working time: for minors 13-14 years old 20 hours a week; for minors 15-16 years old 25 hours a week; for minors 17 years old 30 hours a week. Minors may not work overtime, at night or on holidays.

36. A person is of age to marry when he or she has attained 18 years of age. Minors between 15 and 18 may marry with the written consent of their parents or a guardian. If one of the parents or the guardian does not consent to the marriage, a court may grant the right to marry based on the application of one of the parents or of the guardianship authority. The court grants the right to marry if the marriage is in the interests of the minor (Family Act, art. 3).

37. Male Estonian citizens having attained 18 years of age are obliged to register as conscripts. According to section 19 of the Defence Forces Service Act (RT I 2000, 28, 167), citizens between 19 and 27 years of age are called to serve in the defence forces.

38. According to the Code of Civil Court Procedure (RT I 1998, 43, 666), every person who may be aware of the facts relevant to a matter may be heard as a witness unless the person is participant in the proceeding. Persons of up to 15 years of age shall not take the oath (art. 101). If necessary, a witness of up to 15 years of age shall be heard in the presence of a teacher,

psychologist, parent or guardian who, with the permission of the court, may also question the witness. A court may remove a participant in a proceeding from the courtroom while a witness who is a minor is heard if this is necessary for ascertaining the truth. If necessary, a court may remove a witness of up to 15 years of age from the courtroom after he or she has been heard (art. 111).

39. Criminal charges can be brought in general against a person who attained 15 years of age prior to committing the crime (Criminal Code, art. 10 (1)). As an exception, a person who committed an offence between the ages of 13 and 15 is subject to criminal liability in certain cases set out in the Criminal Code. See chap. VIII, sect. B below for more details.

40. The term of deprivation of liberty for a person who at the time of committing the offence was younger than 18 may not exceed eight years. Minors serve their sentence in a juvenile prison. A minor may be placed under arrest for a term of up to one month during the time free from studies and work. A fine cannot be imposed on a minor convict who has no permanent source of income. Being a minor is an attenuating circumstance for the imposition of a penalty of imprisonment.

41. According to the Code of Administrative Offences, administrative charges may be brought against a person who attained 15 years of age prior to committing an administrative offence (art. 10). An official, administrative judge or the court dealing with an administrative offence committed by a minor may terminate the proceedings and transfer the file to a social worker if, considering the personality of the offender, it is expedient to impose suitable educational correctional means in his or her case.

42. On the basis of article 31 of the Alcohol Act (RT I 1999, 24, 359), it is prohibited to sell alcohol to a person under 18 years of age. In case of doubt, the seller is required to ask that the buyer present ID and to refuse to sell alcohol if no ID is presented. Persons under 18 years of age may not trade in alcohol. Violation of the requirements of the law will entail criminal or administrative liability. Article 17 of the Tobacco Act (RT I 2000, 59, 379) prohibits the sale of tobacco products to a person under 18 years of age. Persons under 18 years of age may not trade in tobacco products.

43. According to the Non-Profit Associations Act, adopted after the judgement of the Supreme Court referred to in § 5, children may establish non-profit associations and be members of these associations. The Non-Profit Associations Act stipulates that a member of the association may be every natural person who meets the requirements of the statues of the non-profit association (§ 5). Children may not belong to the management board of a non-profit association because a member of the management board has to be a person with active legal capacity (§ 26).

44. According to section 19 of the Weapons Act (RT I 1995, 62, 1056; 1997, 93, 1564; 1999, 57, 597), weapons with unlimited civil circulation and their ammunition may be acquired and owned by citizens who are at least 16 years old. An Estonian citizen who is at least 18 years old has the right to acquire and own a weapon with limited civil circulation, except a pistol and

revolver classified as firearms. An Estonian citizen who is at least 21 years old or who has completed service in the defence forces has the right to acquire and own any kind of civil weapon with limited circulation in accordance with the procedure and conditions set out in the law.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

45. Article 9 of the Constitution of the Republic of Estonia stipulates that the rights, freedoms and duties of each and every person, as set out in the Constitution, shall be equal for Estonian citizens and for citizens of foreign States and stateless persons in Estonia.

46. Article 12 of the Constitution stipulates that everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable.

47. The Criminal Code lays down a penalty for inciting ethnic, racial, religious or political hatred, violence or discrimination (art. 72). Article 72^1 of the same Code establishes a penalty for directly or indirectly restricting the rights of an individual or for granting him or her direct or indirect preferences based on his or her nationality, race, colour, sex, language, origin, religion, political or other beliefs, financial or social standing, or on other grounds.

48. The Code of Criminal Procedure stipulates that administration of justice in criminal matters is conducted according to the principle that persons are equal before the law and the court, regardless of their origin, social or financial standing, racial and ethnic belonging, sex, education, language, attitude to religion, occupation and type of activity, residence and other circumstances (art. 13).

49. Article 10 of the Child Protection Act establishes the equal right of children to receive assistance and care and to develop, regardless of sex and ethnic origin and regardless of whether they live in a full family or with a single parent, whether they are adopted or in care, whether they were born in wedlock or out of wedlock, whether they are healthy, ill or have a disability.

50. According to article 10 of the Education Act, the State and local authorities must guarantee that children with physical, speech, mind and mental impairments, and children needing special assistance or special conditions have the possibility to study in educational institutions created for this purpose and guarantee their full maintenance according to the procedures and conditions set out in the laws.

B. Best interests of the child (art. 3)

51. According to section 3 of the Child Protection Act, the guiding principle is that the best interests of the child will be a primary consideration at all times and in all cases. The Family Act also requires that, in settling a dispute between the parents regarding the child, the court should determine the case according to the best interest of the child. The court may ask the opinion of the guardianship authority and the guardianship authority may participate in the proceedings. A guardianship authority also represents the child's interests in the case of settlement of disputes outside a court of law. A guardianship authority is the local authority of the child's place of residence. Its task is to guarantee that the child's interests are put first.

52. According to the Means of Influencing Minors Act, the child has the right to a representative who protects his or her interests in a juvenile committee (see chap. VIII, sect. B below). The opinion of specialists is also required in all court cases involving minors, and a social worker monitors compliance with this requirement (Child Protection Act, art. 35 (2)).

53. A child who is at least 10 years old has the right to protect his or her interests, and certain decisions (such as adoption, changing name) cannot be made without the child's consent (Family Act, arts. 48, 79). Throughout Estonian legislation, there is a general principle according to which the child's opinion has to be considered in matters concerning him or her, depending on the child's age and maturity. According to section 25 of the Social Welfare Act, the child who is separated from home and family has the right to receive information about his or her origin, reasons for separation and questions concerning his or her future.

C. Right to life, survival and development (art. 6)

54. Article 16 of the Constitution establishes that everyone has the right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his or her life.

55. According to article 27 of the Constitution, parents have the right and the duty to raise and care for their children.

56. Article 8 of the Child Protection Act stipulates that every child has an inherent right to life, health, development, work and well-being.

57. For failure to fulfil the duty to raise and teach a child by parents or persons who have legally taken over their obligations (guardian, caretaker in the family, foster parent, children's welfare institution, guardianship authority), the Code of Administrative Offences prescribes a penalty in the form of a fine up to 50 daily wages (art. 153).

58. Termination of pregnancy is allowed only upon the woman's own wish until the eleventh week of pregnancy. For medical reasons or when the woman is under the age of 15 or over 45 years the termination of pregnancy is allowed until the twenty-first week of pregnancy. Abortions are regulated in Estonia by the Termination of Pregnancy and Sterilization Act

(RT I 1998, 107, 1766), which was passed by the Parliament in 1998. There is also a register of abortions (art. 17). Pregnancy can be terminated only in a health-care institution having the respective State licence and the termination can be performed only by a gynaecologist (arts. 7, 9).

59. According to article 102 of the Criminal Code, the murder of a newborn child by the mother during delivery or immediately after delivery is punishable by up to four years' imprisonment.

60. In 1996 the Parliament ratified the Convention for the Protection of Human Rights and Fundamental Freedoms and the additional protocols to the Convention, except Protocol No. 6 concerning the abolition of the death penalty. Protocol No. 6 was ratified in 1998.

D. Right to express one's views (art. 12)

61. The Non-Profit Associations Act (RT I 1996, 42, 811) grants children the possibility to create associations and, based on the Youth Work Act (RT I 1999, 27, 392), the State financially supports children's organizations and their projects.

62. According to article 48 of the Family Act, the surname of a child who is at least 10 years old can only be changed with the child's consent. The wishes of a child who is younger than 10 years also have to be considered if the child's maturity so permits.

63. Article 58 of the Family Act establishes that, when settling a dispute regarding a child, the guardianship authority or the court proceeds from the interests of the child, taking into account the wishes of a child who is at least 10 years old. The wishes of a child younger than 10 years also have to be considered if the child's maturity so permits. The child's wishes have to be taken into account when determining the place of residence of a child, discussing a dispute pertaining to a child.

64. According to the Social Welfare Act (RT I 1995, 21, 323), as a rule, when a social welfare issue is being settled, the person's (including the child's) opinion has to be heard. When an issue concerning a child is being settled, the opinion of the parent and foster parent or guardian has to be heard. When an issue concerning a child who is 10 years old is being settled, the child's own wish has to be taken into account, as well as a parent's wish, or in the absence of a parent, the foster parent's or guardian's wish. When a child is separated from home and family, the wish of a child who is younger than 10 years also has to be considered if the child's maturity so permits (arts. 31, 32).

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

1. Name

65. According to the Child Protection Act, every child has to be registered in a medical institution immediately after birth (art. 9).

66. The birth of all children born in Estonia is registered, regardless of the place of residence or citizenship of the parents. In the maternity hospital a medical card is filled out for children born either dead or alive. The card is sent to the medical birth database at the Institute of Experimental and Clinical Medicine where, since 1992, all birth cards have been registered and the data processed. From there, the statistically processed data are sent to hospitals and county doctors and the birth card data is compared with the birth sheet data sent from the vital statistics offices to the statistical office. For compiling national statistical data on births, the data from both sources are used.

67. According to the Family Act, a child's birth record is made within one month from the birth of the child, based on a parent's (the parents') application at the vital statistics office, rural municipality or city government or at representations of the Republic of Estonia abroad. The law does not discriminate between citizens and non-citizens in the registration and naming of children. The birth record of a foundling is made at the vital statistics office of the place where the child was found, within three days of the finding of the child (art. 114). The birth record is made based on the application of the parents, the birth document issued by the maternity hospital and other documents. If the parents are dead or unable to file the application, the application is filed by a relative, the head of the medical institution where the child was born or by another person. The birth record includes: the child's date and time of birth, sex, first name and surname, place of birth, place of residence; basis of filiation from the father ((a) number of marriage record; (b) ascertainment of filiation from the father; (c) joint application of the parents or application of the father). As the person coming to register the birth need not always be the child's mother or father, errors may occur in the data registered on the basis of statements.

68. No fee is paid to the State for making a birth record (State Fees Act, art. 22). No payment has to be made when giving a name; there are also no other hindrances in giving a name.

69. In the case of failure to file an application for the registration of the birth of a child in time, the data on the birth of the child received from the maternity hospital is sent to the register of births. Thus the birth of the child is established. Birth data are one of the best registered forms of data in Estonia.

70. If the parents fail to register the child's birth within one month of the date of birth of the child, a fine in the amount of up to 10 times the daily wage may be imposed on the parents (Code of Administrative Offences, art. 180).

71. A vital statistics office issues a birth certificate confirming the birth of the child. The birth certificate contains the child's first name and surname, personal code number, date of birth, place of birth and data about the mother and father (first name and surname, person code, citizenship).

Table 3

Number of live births and stillbirths by sex, 1990-1999

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Live births										
Total	22 308	19 320	18 006	15 170	14 178	13 560	13 291	12 626	12 269	12 545
Boys	11 494	9 933	9 238	7 887	7 231	6 971	6 828	6 550	6 337	6 421
Girls	10 814	9 378	8 764	7 283	6 947	6 589	6 463	6 076	5 932	6 124
Of which Estonians*	14 725	13 220	12 700	11 116	10 327	9 867	9 625	9 197	8 831	8 921
Stillbirths										
Total	173	148	175	121	124	101	102	108	92	82
Boys	93	79	86	69	67	44	52	65	51	48
Girls	80	69	89	52	57	57	50	43	41	34

Source: Statistical Yearbook of Estonia, 2000.

* By ethnic nationality of mother.

Table 4

Number of birth registrations in vital statistics offices

Year	Births	Of which stillbirths
1988	25 308	203
1989	25 213	188
1990	22 544	171
1991	19 590	148
1992	18 403	172
1993	15 429	126
1994	14 194	125
1995	13 621	99
1996	13 228	100
1997	12 704	108
1998	12 287	95
1999	12 545	82

Source: Vital Statistics Office.

72. According to the Family Act, a child is given a first name with the agreement of the parents. If the parents fail to agree, a guardianship authority will decide which of the names suggested by the parents is given to the child. A child may not be given a first name which is contrary to good manners and custom. A child may have no more than three first names or one hyphenated first name (art. 46).

73. The child is given the surname of the parents. If the parents have different surnames, the child is given either the father's or mother's surname according to agreement of the parents. If the parents fail to agree, a guardianship authority will decide which parent's name will be given

to the child. The child is given the mother's surname if the mother is not married or if the child born or conceived during the marriage is not the child of the man married to the mother and filiation from the father has not been verified or ascertained (art. 47).

74. In the birth record of a foundling, no entry about the parents is made. The first name and surname of a foundling is decided by a guardianship authority (art. 114). Changing of a child's surname is decided by a guardianship authority following the child's interests and based on an application of the parent wishing to change the child's name. The child's surname is not changed upon the termination or annulment of the marriage of the parents. Upon adoption, the child is given the adoptive parent's surname on the adoptive parent's request, and the child's first name may be changed with the consent of a child at least 10 years old (Family Act, art. 85. Adoption is dealt with in chap. V, sect. G below.)

75. A person who was born as a result of artificial insemination and who has attained the age of majority has the right to apply to the vital statistics office to obtain data about his or her artificial insemination. If such a person was conceived with a donor's spermatozoa, he or she is revealed only the data allowed by the law (no personal data). According to the Family Act, an artificial insemination donor does not have the right to request identification of the mother or child nor to be recognized as the father. Consequently, the court shall not ascertain a child's filiation from an artificial insemination donor. The persons who arranged artificial insemination are obliged to keep the secret of artificial insemination.

2. Nationality

76. The Constitution states that every child of whose parents one is an Estonian citizen has the right to Estonian citizenship by birth. Everyone who has lost his or her Estonian citizenship as a minor has the right to its restoration. No one shall be deprived of Estonian citizenship acquired by birth. No one shall be deprived of Estonian citizenship because of his or her beliefs. The conditions and procedures for the acquisition, loss and restoration of Estonian citizenship shall be provided by the Citizenship Act (art. 8).

77. Estonian citizenship is acquired upon birth or by naturalization (Citizenship Act, art. 2).

78. A child acquires Estonian citizenship upon birth:

If at least one of the parents of the child holds Estonian citizenship at the time of the birth of the child;

If the child is born after the death of his or her father and if the father held Estonian citizenship at the time of his death.

79. A child found in Estonia whose parents are unknown is declared on the application of the guardian of the child or a guardianship authority, in a court proceeding, to have acquired Estonian citizenship at birth, unless the child is proved to be a citizen of another State.

80. Articles 13-15 of the Citizenship Act set out the conditions for a minor to acquire Estonian citizenship. A minor under 15 years of age acquires Estonian citizenship if it is applied for for the minor by his or her parents who are Estonian citizens, or by a parent who is an Estonian citizen submitting a notarized agreement with the parent who is not an Estonian citizen, or by a single parent or by an adoptive parent who has Estonian citizenship.

81. In order to acquire citizenship, a minor under 15 years of age has to be staying in Estonia permanently and be released from his or her current citizenship, or be declared to be a stateless person, or it must be proven that the minor will be released from his or her current citizenship in connection with the acquisition of Estonian citizenship.

82. A minor under 15 years of age whose parents are dead, whose parents are declared as missing or divested of active legal capacity or whose parents are deprived of their parental rights acquires Estonian citizenship by naturalization on the application of a guardianship authority or the minor's guardian who is an Estonian citizen.

83. A minor under 15 years of age who was born in Estonia after 26 February 1992 acquires Estonian citizenship by naturalization if:

> His or her parents apply for Estonian citizenship for him or her and if the parents have legally resided in Estonia for at least five years at the time of submission of the application and are not deemed by any other State to be citizens of that State on the basis of any Act in force;
>
> A single or adoptive parent applies for Estonian citizenship for the minor, if the single or adoptive parent has legally resided in Estonia for at least five years at the time of submission of the application and is not deemed by any other State to be a citizen of that State on the basis of any Act in force.

84. A minor under 15 years of age acquires Estonian citizenship together with his or her parent or adoptive parent who is applying for Estonian citizenship on the application of the minor's parents or single or adoptive parent if the minor is staying in Estonia permanently and is released from his or her current citizenship or will be released from it in connection with the acquisition of Estonian citizenship or is declared to be a stateless person.

85. In the meaning of the Citizenship Act, the child is an independent entity. If a parent is deprived of citizenship, it does not affect the child's legal status. If the deprivation of citizenship would result in statelessness, citizenship may be retained by the person.

B. Preservation of identity (art. 8)

86. Everyone has the right to preserve his or her national identity (Constitution, art. 49). Every child has the right from birth to a name, nationality, general education in his or her national culture, and to know and be cared for by his or her parents (Child Protection Act, art. 9).

87. According to the National Minorities Cultural Autonomy Act (RT I 1993, 71, 1001), persons belonging to a national minority have the right to form cultural self-governing agencies in order to exercise the rights given to them by the Constitution - the right to preserve one's mother tongue, ethnic identity, cultural traditions and religion. It is prohibited to ridicule and to obstruct the practice of ethnic cultural traditions and religious practices and to engage in any activity which is aimed at the forcible assimilation of national minorities (art. 3).

88. The national programme "Integration into Estonian Society 2000-2007" considers that an important task of the State in integrating Estonian society is to give persons belonging to an ethnic minority the possibility to receive education in their mother tongue and pursue their culture. Bearing this in mind, it is important that the State give actual and financial support for this purpose. The organization of issues relating to education and culture of an ethnic minority is also one of the competencies of local authorities and several local government units have already supported Sunday schools for ethnic minorities. Part of the preparation of a subprogramme "Education and culture of ethnic minorities" is defining the roles of representatives of ethnic minorities, local authorities and the State in matters of the education and culture of ethnic minorities, depending on the situation in a particular region.

89. The language of instruction in a basic school may be a language other than Estonian. Whereas in the case of a municipal school the relevant decision is made by the local government council, in the case of a State school it is taken by the Ministry of Education. In a school or class where instruction is not given in Estonian, learning the Estonian language is compulsory from the first year (Basic and Upper Secondary Schools Act, art. 9). The language of instruction in a national minority educational institution is chosen by the educational institution itself (Constitution, § 37; see also chap. VII, sect. A below).

90. A person belonging to a national minority has the right:

To establish and support national cultural and educational institutions and religious congregations;

To create national organizations;

To pursue national traditions and religious customs if they do not infringe upon public order, health or morals;

To use his or her mother tongue in public business within the limits established by the Language Act;

To issue publications in the national language;

To conclude agreements of cooperation between national cultural and educational institutions and religious congregations;

To disseminate and exchange information in his or her national language.

91. Cultural self-governing agencies may be formed by persons belonging to a cultural minority in Estonia, which includes more than 3,000 people. The main objectives of a cultural self-governing agency are:

To organize education in the national language and supervise the use of property for this purpose;

To form cultural establishments of a national minority and organize their activities, as well as organize national cultural events;

To establish and award foundations, grants and prizes for promoting the culture and education of a national minority.

92. In 1996 Estonia ratified the Council of Europe Framework Convention for the Protection of National Minorities. The Framework Convention provides for the protection of rights and liberties of national minorities and persons belonging to them. When ratifying the Convention, Estonia made a declaration to the effect that the Republic of Estonia understands the term national minorities, which is not defined in the Convention, as follows: what is considered as a "national minority" is citizens of Estonia who reside on the territory of Estonia; maintain longstanding, firm and lasting ties with Estonia; are distinct from Estonians on the basis of their ethnic, cultural, religious or linguistic characteristics; are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity.

93. On 16 September 1998, the Riigikogu adopted "The Fundamentals of Cultural Policy of the Estonian State", which provide equal rights to all members of society to participate in cultural life, regardless of their sex, nationality and residence. The State promotes activities of national minorities for the development of their culture and their cultural contacts with the ethnic homeland. The main goal of the State cultural policy is to guarantee the preservation of Estonian national cultural traditions, to support the cultural autonomy of national minorities and to maintain the viability of folk culture in all spheres of life.

94. From the budget of the Ministry of Culture support is granted to national cultural societies based on the projects they have submitted. In 1996, the total amount of the support was 950,000 kroons, in 1997 it was 1.2 million kroons, in 1998 and in 1999 it was 2 million kroons, and in 2000 it was 1.5 million kroons.

95. The activities of national cultural societies and their Sunday schools have been supported with direct grants by State agencies, several local authorities and foreign donors. Support has also been given through the Integration Foundation or through the Nordic countries/United Nations Development Programme project, "Support to the national programme".

96. In 1999, more than 120 national cultural societies were active in Estonia. National cultural societies have mostly joined into four unions and associations of national cultural societies, which are:

International Union of Associations of National Cultural Societies "Lüüra" (31 societies);

Union of Nationalities of Estonia (20 societies);

Union of Slavic Educational and Charity Associations in Estonia (42 societies and 33 collectives);

Round Table of Ida-Virumaa National Cultural Societies (18 societies).

97. There are approximately 10 other active national cultural societies operating outside these associations and unions.

C. Freedom of expression and access to appropriate information (arts. 13, 17)

98. The Constitution guarantees everyone the freedom of expression. According to the Constitution, everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be restricted by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others. There is no censorship in Estonia (art. 45).

99. Estonian legislation does not regulate media and publishing activities. Everyone may freely publish papers or books.

100. According to the Child Protection Act, the child has the right to freedom of expression. The child has the right and will be accorded the opportunity to seek, receive and impart diverse humanistic information and to engage in organizations and movements (art. 11).

101. The law establishes restrictions on receiving and disseminating information with the purpose of protecting State secrets, public security and the rights and reputation, health and morals of other people.

102. Article 9 of the Advertising Act regulates advertising directed at children. Advertising shall not exploit the natural credulity or lack of experience of children. The following additional requirements shall be observed in advertising directed principally at children:

(i) Advertising shall not suggest that possession of a product, use of a service or achievement of some other objective intended by the advertisement will give the child an advantage over other children of the same age or that the lack thereof would have the opposite effect;

(ii) Advertising shall not incite children to behave or act in a manner which has or may have the effect of bringing children into unsafe conditions;

(iii) Advertising shall not include any direct appeal to children to demand the product or service being advertised from other persons;

(iv) Advertising shall not create feelings of inferiority in children or incite them to act in an aggressive manner;

(v) In the production of advertising directed at children and in the use of children in advertising, their unique physical and mental state resulting from their age shall be considered.

103. Children's programmes may not be interrupted for broadcasting advertisements.

104. For example, there was a case in which the showing of an advertisement for a daily paper on television was terminated. The commercial depicted investigative journalism through the curiosity of a small child, who was shown on the screen cutting open the stomach of a beloved teddy bear. The aim of the advertisement was to compare investigative journalism to the curiosity of a child who wants to learn everything. Viewers condemned the advertisement for cruelty and inappropriateness and the buyer of the advertising time stopped showing the advertisement.

D. Freedom of thought, conscience and religion (art. 14)

105. Everyone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious societies. There is no State church. Everyone has the freedom to exercise his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals (Constitution, art. 40). Article 41 of the Constitution stipulates that everyone has the right to remain faithful to his or her opinions and beliefs. No one can be compelled to change them.

106. Implementation of freedom of religion is dealt with by the Churches and Congregations Act, according to which every person is free to choose, confess and proclaim his or her religious beliefs. No one is obliged to provide data about his or her religious confession or church affiliation. A child who is under 12 years of age may, on the wish of his or her parents, belong only to the congregation of his or her parents. A person who is 15 years old may decide independently about joining or leaving a congregation.

107. Religious instruction is regulated by the Education Act and the Basic and Upper Secondary Schools Act. According to article 4 of the Education Act, learning and teaching of religious instruction in Estonian general education schools is voluntary. The principles and topics of religious instruction are fixed in the curriculum approved by the Ministry of Education. Religious instruction is taught at schools as an elective subject. Religious instruction is a subject in which the views of different religions and their contributions to the development of the society are learned and it is meant to educate children about different religions. Religious instruction in general education schools is oecumenical in essence and is of general Christian character, in order to avoid that religious instruction could become a means for religious influencing.

108. Article 33 of the Basic and Upper Secondary Schools Act gives a possibility to a parent who disagrees with a school on the issue of religious instruction. The parent may address the board of trustees of the school and the official who exercises State supervision over the school.

109. Confessional teaching is provided at Sunday and church schools affiliated congregations. The most widespread form of children's Christian education in congregations is the Sunday school. Larger confessions have their own youth work coordination centres. Oecumenical cooperation is coordinated by the Council of Estonian Churches. Churches also cooperate with social organizations and local authorities.

110. Charity funds have been established by churches to provide spiritual assistance to families with many children, disabled people and elderly citizens and support them materially.

E. Freedom of association and peaceful assembly (art. 15)

111. The Constitution states that everyone has the right, without prior permission, to assemble peacefully and to conduct meetings. This right may be restricted in the cases and pursuant to procedure provided by law to ensure national security, public order, morals, traffic safety and the safety of participants in a meeting, or to prevent the spread of an infectious disease (art. 47).

112. On the basis of the relevant provisions of the Constitution, the Public Meetings Act was adopted (RT I 1997, 30, 472; 1999, 31, 425), according to which at least seven days prior to the holding of a public meeting the rural municipality, county or city government has to be notified of it. The local government unit will register the notification of the public meeting. Holding a public meeting is prohibited if the notification of the public meeting was not registered (art. 7).

113. Laws restricting this right are first and foremost penal laws - the Criminal Code and the Code of Administrative Offences.

114. The Constitution stipulates that everyone has the right to form non-profit undertakings and unions. Only Estonian citizens may belong to political parties. The establishment of organizations and unions which possess weapons, are militarily organized or perform military exercises requires prior permission, for which the conditions and procedure for issuance shall be provided by law. Organizations, unions and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force, or are otherwise in conflict with the law providing for criminal responsibility, are prohibited (art. 48).

115. A separate law has been adopted to regulate the activities of the Estonian Defence League.

116. The procedure for the founding, termination and operation of non-profit associations and their unions is regulated by the Non-Profit Associations Act. Children have the right to participate in the activities of non-profit associations (art. 5).

117. On the basis of the Youth Work Act, the Ministry of Education supports the activities of youth associations and allocates annual grants to them. It also monitors the purposeful use of the funds allocated for youth work from the State budget (art. 4). In the State budget, the following expenses in the area of government of the Ministry of Education are foreseen:

Grants to youth programmes and projects of youth associations;

Annual grants to youth associations;

Grants to national and regional programmes for youth work (art. 16).

118. To support youth programmes and projects, the Ministry of Education organizes competitions of programmes and projects. Annual grants can be applied for by a youth association which has a membership of at least 500 and whose local units operate on the territory of at least one third of the counties. The conditions and procedure for applying for the above grants and their allocation have been approved by a regulation of the Minister of Education. Applications for grants are reviewed by the Youth Work Council established pursuant to a decree of the Minister of Education. Within one month of the deadline for the submission of applications the Council makes a proposal concerning funding.

119. The largest youth organizations are the Estonian Scout Association, the Estonian Guides Association and the Organization of Successful Children.

120. The first scout troops started their activities in Estonia in 1912. In 1922, the World Organisation of the Scout Movement was created, and one of its founding members was the Estonian Scouts *Malev*. In 1940, when Estonia was occupied by the Soviet Union, the scouting movement was banned. In 1989, the movement was restored and in 1995 the Estonian Scout Association was founded. Since January 1996 this has been the only Estonian scouts organization which belongs to the World Organisation of the Scout Movement.

121. The first groups of guides were formed in Tallinn and Tartu in 1919. The first Estonian-language *malev* (unit of troops) of guides was created in 1920. In 1940, the organization was banned. In 1987, alongside the pioneer organization other movements oriented towards young people were created. Alongside the others, in 1988 and 1989 girls' clubs were formed in several places. The clubs developed contacts with the former guides. There was a mutual belief that the club movement had many similarities with the guide movement. In 1989, the Estonian Guides Association was formed on the basis of the girls' clubs and the Estonian Guides *Malev* was restored.

122. The Organization of Successful Children (abbreviated ELO in Estonian) has existed in Estonia for 12 years. The ELO was founded in 1988 and it was the first independent children's organization in the former Soviet Union. The ELO includes children from the fourth year of school. Children from year 4 to 9 in schools form an ELO club. Pupils in years 10 to 12 form a junior team. A club can be formed only if there is an adult curator who has the respective training and an activity licence. Membership of the ELO is also open to all adults who are eager to learn about a successful way of life and who are also willing to teach it to children.

F. Protection of privacy (art. 16)

123. The Constitution establishes that everyone has the right to the inviolability of private and family life. State agencies, local governments and their officials shall not interfere with the private or family life of any person, except in the cases and pursuant to procedure provided by

law to protect health, morals, public order or the rights and freedoms of others, to prevent a criminal offence, or to apprehend a criminal offender (art. 26). Everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Exceptions may be made by court authorization to prevent a criminal offence, or to ascertain the truth in a criminal proceeding, in the cases and pursuant to procedure provided by law (art. 43).

124. According to the General Principles of the Civil Code, a person has the right to demand termination of a violation of the inviolability of his or her private life and to demand compensation for moral damage and damage to property caused by the violation (art. 24 (1)). The following are deemed violations of the inviolability of private life if performed without legal basis or against a person's will:

Entry into the dwelling or onto the property of a person;

Search of a person or of things in his or her possession;

Violation of the confidentiality of messages sent or received by a person by post, telegraph, telephone or other commonly used means, and use of a person's manuscripts, correspondence, notes or other personal documents or information;

Receipt of information through a person's means of communication or disruption of its functioning;

Surveillance of the private life of a person;

Collection of information concerning the private life of a person.

125. The Surveillance Act (RT I 1994, 16, 290; 15, 173; 1996, 49, 955; 1997, 81, 1361; 93, 1557; 1998, 47, 698; 50, 753; 51, 756; 61, 981; 98/99, 1575; 101, 1663; 1999, 16, 271; 31, 425; 1999, 95, 845) gives an exhaustive list of exceptional surveillance activities, like covert inspection of housing or tapping of telephone calls and the activities, for which a court authorization is needed. In cases of urgency, authorization for such activities may be granted by the Director-General of the Security Police or the Director-General of the Police Board, but he or she must, at the first possible opportunity, apply to a court to declare the activity justified (art. 13). Such a control mechanism will guarantee the legality and legitimacy of the surveillance activities.

126. Searches are regulated by the Code of Criminal Procedure. If an investigator has sufficient grounds to believe that an object relevant to a criminal matter may be located, or a fugitive or a person whose compulsory attendance has been ordered may be hiding in a room, in an area or with a person, the investigator will conduct a search in order to find such object or person. A search can be conducted only with the authorization of a prosecutor or deputy prosecutor. In exceptional cases a search may be conducted without the authorization of a prosecutor; however the prosecutor shall be notified of the conduct of the search within one day (art. 139). A search has to be conducted in the presence of impartial observers of the investigative activity. During a search, the presence of the person on whose premises the

investigative activity is performed, or the presence of his or her adult family member or, in the absence of the person or his or her adult family member, the presence of a representative of the local government, shall be ensured (art. 141).

127. The Criminal Code establishes a criminal penalty for intentional activity by a person or a group of persons who did not have the right to undertake surveillance activity if, by this activity, the right to inviolability of family life and private life or the right to the inviolability of home was violated (§ 133[1]).

128. The protection of data is currently regulated by the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941) and the State Secrets Act (RT I 1999, 16, 271; 82, 752). The State Secrets Act mainly covers data relating to national defence and security and to surveillance activities.

129. In the meaning of the Personal Data Protection Act, personal data can be either sensitive or non-sensitive. Sensitive personal data are:

> Data revealing political views, religious or philosophical beliefs; except data relating to being a member of legal persons in private law registered pursuant to procedure provided by law;
>
> Data revealing ethnic and racial origin;
>
> Data relating to state of health and sexual life;
>
> Data relating to criminal convictions and judicial punishments;
>
> Data relating to a criminal proceeding.

Processing of sensitive personal data is only permitted with the consent of the person (art. 9). The Criminal Code establishes a penalty for an official who discloses data not subject to disclosure and thereby causes financial damage or other serious consequences (art. 167).

G. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

130. Estonia acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 21 October 1991 and the Convention entered into force in relation to Estonia on 20 November 1991.

131. Estonia acceded in 1996 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocols 1 and 2. The Convention entered into force in relation to Estonia on 1 March 1997.

132. The Constitution establishes that no one can be subjected to torture or to cruel or degrading treatment or punishment. No one shall be subjected to medical or scientific experiments against his or her free will (art. 18).

133. The Criminal Code determines torture to be a crime against the person. Acts committed in a torturous manner are punishable by up to four years' imprisonment. Intentional causing of a minor bodily injury and intentional striking, battery or other acts of violence which cause physical pain are punishable by a fine or detention (art. 114).

134. The Child Protection Act establishes the general principle for the treatment of children that every child shall, at all times, be treated as an individual, with consideration for his or her character, age and sex. It is prohibited to humiliate, frighten or punish a child in any way which abuses him or her, causes bodily harm or otherwise endangers his or her mental or physical health (art. 31).

135. If an adult treats a child in a prohibited manner, the social services departments have competence to intervene in order to resolve the conflict and, if necessary, to apply for the punishment of the person at fault under the administrative or criminal procedure. A child who has suffered violent treatment or mistreatment will be given necessary assistance. An adult who treats a child violently will also receive counselling in order to prevent further mistreatment.

136. The Child Protection Act establishes that instruction at school may not involve physical violence or mental abuse (art. 40).

137. In Estonia, several campaigns for the prevention of violence against children have been carried out. In 1993 the Estonian Central Union for the Protection of Children launched a programme, "Children and violence", which is aimed at studying the problem of violence against children, raising awareness of the problem and, if possible and necessary, intervening in particular cases of violence. Under the programme, parents are advised mainly on the legal aspects of the problem. A campaign entitled "Don't hit the child" has been carried out on several occasions.

138. There are two specialized centres in Estonia (in Tartu and Tallinn) dealing with the counselling and rehabilitation of mistreated children and their families. In addition, specialists working with children are also trained and a network of specialists is being developed for resolving cases involving mistreatment of children.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

139. The Constitution recognizes the family as being fundamental to the preservation and growth of the nation and as the basis of society. The family is protected by the State. Spouses have equal rights. Parents have the right and the duty to raise and care for their children. The protection of parents and children shall be provided by law. The family has a duty to care for its needy members (art. 27).

140. According to the Family Act, a parent is the legal representative of the child. A parent may not exercise parental rights contrary to the interests of the child (art. 50).

141. According to section 24 of the Child Protection Act, the natural environment for the development and growth of the child is the family. The parents or caregivers of a child are required to get to know and understand the child in order competently to support the child's development. For such purpose, they have the right to receive consultation free of charge from a social services department (art. 25).

142. Based on the Social Welfare Act, a person has the right to receive information about his or her social rights and possibilities for the protection of his or her legitimate interests, and receive assistance in solving concrete social problems.

143. Family counselling as a service has been available in Estonia since the beginning of the 1980s. The first family counselling bureaux were opened in the larger population centres in 1980 as a part of the State service system. Later, professional associations also created their own counselling centres.

144. Counselling was offered for couples' and family relations, problems of raising children and character problems, from the psychological, (special) pedagogical, psychiatric, sexological, gerontological and legal aspects. The services provided were for a charge. Consultations were both individual and for groups (mainly schoolchildren but also parents). Going to a counselling bureau was voluntary.

145. In the initial years, there was no possibility for practical training of counsellors in counselling matters. The first training sessions became possible at the beginning of the 1990s. The first systematic two-year family therapy training was carried out under the instruction of Swedes. The family therapeutic approach has been adopted also at psychiatric hospitals, mostly in dealing with cases of children.

146. A few years later the provision of training became concentrated in the hands of the newly-emerged local professional organizations. In the period 1992-1995, school psychologists-counsellors were trained at the Tallinn Pedagogical University and since 1995 psychological counsellors were prepared at the Private School of Professional Psychology.

147. In 1993-1997 the Ministry of Social Affairs supported county governments in organizing the work of helplines and in the psychosocial counselling of needy families. In every county, at least one counselling centre developed which operated according to local circumstances and availability of local resources.

148. Also the projects "Our child" and "Child's own home" launched within the national social programmes in 1994 concentrated on the implementation of a counselling service to support surrogate families and problematic biological families respectively throughout Estonia. At the same time, the "Baby project" was started with the aim of preparing young families for the growth of the family and for the changes it brings about in relations inside the family.

149. The development of the psychosocial counselling system in Estonia was influenced by the tragic sinking of the "Estonia" ferry in 1994. The sudden extensive need for crisis counselling mobilized the whole existing staff of counsellors and formed it into a functioning network. As a result of these events, the Tallinn Crisis Assistance Centre was founded - the first

and so far the only municipal counselling centre. In subsequent years, several discussions have been held on the initiative of specialists about various possible models for the development and unification of the counselling system in Estonia.

150. There are currently 16 operating counselling centres in Estonia where services are provided by different specialists - psychologists, psychotherapists, psychiatrists, sexologists, speech therapists. The client's share in paying for the service is according to agreement, the prices differ in various centres.

151. In 2000, the national helpline was opened. Their short number, 126, can be called free of charge from all over Estonia.

152. Family conciliation as assistance in resolving family conflicts - especially considering the interests of children - began in 1996. Fifteen specialists have been trained. Since 1998 the State juvenile committees use conciliation services in their work with juvenile offenders to reconcile them with their victims if possible.

153. The building up of the victim assistance system has also started; the existing counselling centres will be a part of the system as providers of psychological counselling.

154. School psychologists began work in schools at the beginning of the 1980s (in 1979 the Minister of Education passed a regulation concerning the work of school psychologists). There are currently 83 psychologists in schools, whose task is first and foremost to diagnose and counsel children, but also teachers and members of the school administration. They work individually with children, if necessary also involving families and other parts of the network. In recent years, local authorities have started employing social workers in schools. More school psychologists are needed than are currently employed.

155. On the initiative of the Estonian Family Planning Union, 15 youth counselling bureaux have been created in larger population centres. They are available for adolescents seeking information regarding issues of sex, human relations and contraception. If necessary, a gynaecologist can be consulted. On request, the counselling centres send specialists to schools to help teachers in providing sexual and health education. They also prepare and distribute materials to schools or other centres dealing with such issues.

156. At larger women's clinics psychologists and medical staff provide instruction to families regarding pregnancy and birth.

157. Topical thematic lectures (recently, for example, on drug dependency) are offered to parents by schools and kindergartens and various third sector organizations. A good example is the active participation of parents in the "Good start" programme launched in kindergartens, where the contribution of parents was needed to create more favourable conditions for the development of children.

B. Parental responsibility (art. 18, paras. 1-2)

158. Parents have equal rights and duties with respect to their children. A parent is required to protect the rights and interests of his or her child. A parent may not exercise parental rights contrary to the interests of the child (Family Act, arts. 49-50).

159. If parents live apart, they will agree with which parent a child will reside. In the absence of an agreement, a court will settle the dispute at the request of a parent. A parent living apart from a child has the right of access to the child. A parent with whom a child resides may not hinder the other parent's access to the child. If parents have not agreed in what manner the parent living apart participates in the raising of the child and has access to the child, a guardianship authority or, at the request of a parent, a court will settle the dispute (Family Act, arts. 51, 52).

160. A parent is obliged to maintain his or her minor child and an adult child who needs assistance and is incapable of work (Family Act, art. 60).

161. The duty of maintenance also lies with grandparents and adult brothers and sisters whose financial situation permits the provision of such maintenance (Family Act, arts. 65, 67).

162. According to the Code of Enforcement Procedure (RT I 1993, 49, 693; 1997, 43/44, 723; 1998, 41/42, 625; 51, 756; 61, 981; 103, 1695; 1999, 18, 302; 27, 380; 95, 845), in the case of failure to make maintenance payments, a claim may be enforced against the debtor's property (art. 69). Intentional evasion by a parent of payment of maintenance ordered for a child by a court is punishable through a criminal procedure (Criminal Code, art. 121).

163. According to the Child Protection Act, single parent families and two parent families have an equal obligation to raise and care for their children (art. 26). According to the same law, families with children will receive protection and support from the State. Support of needy families is organized by rural municipality or city social services departments (arts. 24, 25).

164. According to the Social Welfare Act, for the administration of child welfare and the creation of an environment favourable for children's development, rural municipality governments and city governments will:

> Support children and persons raising children, cooperating with family members, other persons and agencies concerned;
>
> Develop and implement specific programmes and projects for the development and protection of children;
>
> If necessary, appoint support persons or support families for children or persons raising children.

165. Child protection officials will be employed in the social and health services departments of counties and, as necessary, in rural municipality governments and city governments for the provision of assistance to children, families with children and other persons raising children. If necessary, a child welfare committee will be established as an advisory body within a rural municipality government or city government (Social Welfare Act, art. 24).

166. In 1999, 4,672 actions were filed with first instance county or city courts concerning family law matters, including 1,820 divorce actions, of which 1,237 actions involving spouses with children, 2,185 actions claiming enforcement of payment of maintenance to children, 40 actions for ascertainment of filiation and 368 actions for deprivation of parental rights and removal of a child. In addition, 1,056 applications were submitted for proceedings without an action, including 159 applications for adoption, 136 applications for restricting the active legal capacity of a person or divesting a person of active legal capacity.

Table 5

Number of court disputes

	1996	1997	1998	1999
Children whose parents have been deprived of parental rights by a court decision	277	296	287	320
Children who have been isolated from their family by a legal decision	49	102	81	79
Children in the case of whom a court or supervisory guardian has settled the dispute*	Data missing	1 284	1 906	1 858
Including a dispute concerning the place of residence of the child	160	244	300	392
Including a dispute concerning the raising of the child and access to the child	181	170	250	320
Including a dispute concerning the duty of maintenance	241	367	351	377
Other disputes	1 691	1 661	2 005	1 971

Source: Statistical survey "Children without parental care"1996-1999.

* The total number of court disputes is larger than the number of children because there can be several disputes per child.

167. The total number of disputes in family law matters has increased, among them the number of divorces and actions for deprivation of parental rights and removal of children has also risen.

C. Separation from parents (art. 9)

168. Everyone has the right to the inviolability of private and family life. State agencies, local governments and their officials shall not interfere with the private or family life of any person, except in the cases and pursuant to procedure provided by law to protect health, morals, public order, or the rights and freedoms of others, to prevent a criminal offence, or to apprehend a criminal offender (Constitution, art. 26).

169. A parent is the legal representative of a child and, as a legal representative, the parent has the mandate of a guardian. A parent has the right to demand his or her child back from any person who has control of the child without legal basis (Family Act, art. 50).

170. The child and his or her parents must not be separated against their will except if such separation is in the best interests of the child, if the child is endangered and such separation is unavoidable, or if such separation is demanded by law or a judgment which has entered into force. The justification for the separation is monitored by the social services departments (Child Protection Act, art. 27).

171. Removal of a child from a parent and deprivation of parental rights are regulated by the Family Act. At the request of a parent, guardian or guardianship authority, a court may decide to remove a child from one or both parents without deprivation of parental rights if it is dangerous to leave the child with the parents. If leaving a child with a parent threatens the health or life of the child, a guardianship authority may remove the child from the parent prior to obtaining a court order. In such case the guardianship authority must file a claim with a court within 10 days for removal of the child or for deprivation of parental rights. If upon removal of a child from a parent the child is left without parental care, a guardianship authority will arrange for the care of the child. If the reasons for removal of a child cease to exist, a court may order the return of the child at the request of a parent (art. 53). A child may also be removed from a step-parent or foster-parent (art. 57).

172. If a court has made a decision regarding the residence of a child and the child is not handed over voluntarily, according to the Code of Enforcement Procedure, the executor, with the participation of a representative of the guardianship or educational institution, will carry out an act of enforcement for the handing over of the child. If the obligated person hinders the execution of the judgement, the executor may propose to the court that the person be fined. If necessary, the executor may raise the question with a guardianship authority of the temporary placement of the child in a children's home (Code of Enforcement Procedure, art. 68).

173. According to the Social Welfare Act, a child may be separated from his or her home and family for the provision of social services and other assistance only upon the concurrent presence of the following circumstances:

> Deficiencies in the care and raising of the child endanger the child's life, health or development or if the child endangers his or her own life, health or development with his or her behaviour;

Other measures applied with respect to the family and child have not been sufficient or their use is not possible;

Separation of the child from the family is effected in the interests of the child.

174. The subsequent residence, care and raising of a child separated from his or her home and family will be arranged by the rural municipality government or city government. If any of the circumstances for which the child was separated from home and family ceases to exist, the child will be assisted in returning to his or her home and family (Social Welfare Act, art. 25).

Table 6

Children without parental care registered for the first time

	1993	1994	1995	1996	1997	1998	1999
Children registered during the year	770	1 010	1 134	1 044	1 495	1 671	1 752
Of whom children who had a temporary residence permit	-	-	-	73	490	548	517
Children who were placed with foster families	512	586	296	627	440	479	671
Children who were placed with their biological families	-*	-*	-*	-*	342	401	383
Children who were placed in social welfare institutions	186	244	239	237	202	252	188
Children who were placed in shelters	0	-	260	269	457	463	507
Children who were placed in schools, the State providing full maintenance	31	28	95	-	-	-	-

Source: Statistical Yearbook of Estonia, 1999.

* Until 1997, children who were placed with their biological families and children who were placed with foster families were considered as one category.

175. If a child is separated from his or her parents, the opinions and wishes of the child will be heard and annexed to the documentation concerning the separation. The opinions of the child will be heard and documented by a social services department. The justification for the separation is monitored by the social services department. A child who is separated from one or both parents has the right to maintain personal relations and contact with both parents and close relatives, except if such relations harm the child (Child Protection Act, arts. 27, 28).

176. A child whose parents reside in different States has the right to direct contacts and personal relations with both parents. For the purpose of family reunification, the child or his or her parents have the right freely to leave the Republic of Estonia or to enter the Republic of Estonia pursuant to the established procedure (Child Protection Act, art. 30).

177. A parent living apart from a child has the right of access to the child. A parent with whom a child resides may not hinder the other parent's access to the child. If parents have not agreed in what manner the parent living apart participates in the raising of a child and has access to the child, a guardianship authority or, at the request of a parent, a court will settle the dispute (Family Act, art. 52).

178. A person who has been deprived of parental rights loses all rights with respect to a child. A guardianship authority may permit a person who has been deprived of parental rights to visit the child if this does not have a negative influence on the child (Family Act, art. 55).

179. Upon adoption of a child the personal and proprietary rights and duties of the child and the biological parent will cease to exist. Consequently, the biological parents will have no right of access to the child and neither the child nor the adoptive parents will have the obligation to communicate with the parents and relatives nor to assist them. An adopted child has, upon reaching adult age, the right to receive information concerning his or her parents from the transcript of the birth record containing information about his or her parents (Family Act, arts. 86, 109, 114).

180. According to the Social Welfare Act, sisters and brothers originating from one family will be kept together upon separation from their home and family unless this is contrary to the interests of the children. A rural municipality government or city government will, if necessary, provide assistance to a family from whom a child has been taken in order to help establish the prerequisite conditions for the child to return to the family. Upon placement of a child in care outside the administrative jurisdiction of a local government, the rural municipality government or city government will attend to the preservation of the child's connections with his or her former home town, establish conditions for the child to return there, and help the child in his or her start in independent life. A child who is separated from his or her home and family has the right to receive information about his or her origin, the reasons for separation, and issues pertaining to his or her future (art. 25).

181. If a parent has committed an offence and is held in custody until conviction by a court of law, then, according to the Code of Criminal Procedure, he or she has the right to meetings, correspondence and other communication with his or her relatives, with the permission of the preliminary investigator or the court who is conducting the proceedings in the criminal matter. If the person is convicted for committing an offence a judge or the chairman of a court will permit the close relatives of a person in custody to meet the person until the enforcement of the court judgment (Code of Criminal Procedure, §§ 75, 329).

182. According to the Imprisonment Act (RT I, 2000, 58, 376) the aim of the communication with the prisoner is to promote contacts with his or her family, relatives and other close people and to avoid disruption of the social contacts of the prisoner (art. 23). The detainee has the right

to meetings with family members, relatives and close people and the right of correspondence and telephone calls under the control of the administration. A mother detained in a female prison and a child up to 3 years of age are given the possibility to live together (art. 54).

D. Family reunification (art. 10)

183. Everyone has the right to leave Estonia. This right may be restricted in the cases and pursuant to procedure provided by law to ensure the administration of court or pre-trial procedure, or to execute a court judgment (Constitution, art. 25).

184. No Estonian citizen shall be expelled from Estonia or prevented from settling in Estonia. No Estonian citizen shall be extradited to a foreign State, except under conditions prescribed by an international treaty and pursuant to procedure provided by such treaty and by law. Extradition shall be decided by the Government of the Republic. Everyone who is under an extradition order has the right to contest the extradition in an Estonian court. Every Estonian has the right to settle in Estonia (Constitution, art. 36).

185. Concerning relations between a child and his or her parents and the right of a child to relations with both parents, see paragraphs 168-182 above.

186. In 1999 the Citizenship and Migration Board reviewed and made a decision concerning 3,647 applications for a residence permit submitted in 1998 and until 1 November 1999. Of these applications, 1,625 involved family reunification, including 1,250 applications submitted by persons in whose case the granting of a residence permit is subject to the immigration quota.

Table 7

Residence permits granted for family reunification

For reunification:	Subject to the immigration quota	Not subject to the immigration quota	Total
With a spouse	318	121	493
Of a child with a parent	57	205	262
Of a parent with a child	70	1	71
With another relative	23		23
Of an employee with a family member (spouse or child)	21	36	57
Of returning Estonians with family members		12	12
Total	489	375	864

Source: Estonian Citizenship and Migration Board.

Table 8

Residence permits refused for the reason that the immigration quota for the year in which the application was filed has been met

To a spouse	463
To a child for reunification with a parent	102
To a parent for reunification with a child	166
To another relative	19
To a family member of an employee (spouse or child)	11
Total	761

Source: Estonian Citizenship and Migration Board.

187. According to article 6 of the Aliens Act (RT I 2000, 33, 197) the following persons are not subject to the immigration quota: the spouse of an Estonian citizen who is applying for a residence permit, if the spouses have a common minor child or if the wife is more than 12 weeks pregnant; the minor child of an Estonian citizen, for whom a residence permit can be applied for to reside with a close relative who is residing permanently in Estonia.

E. Recovery of maintenance for the child (art. 27, para. 4)

188. According to the Family Act, a parent is required to maintain his or her minor child or a child who has become an adult but who needs assistance and is incapacitated for work. If a child attends basic school, secondary school or vocational school and continues to study therein upon becoming an adult, a parent is required to maintain the child during his or her studies (art. 60).

189. If the parents are for any reason unable to provide maintenance for their child, grandparents or the child's adult sisters and brothers are required to maintain the child. Grandparents whose financial situation so permits are required to maintain their minor grandchild or their adult grandchild who needs assistance and is incapacitated for work, if the grandchild does not have parents, a spouse or a child who has become an adult or if it is not possible to obtain maintenance from these persons (Family Act, art. 65). An adult brother or sister whose financial situation so permits is required to maintain his or her minor brothers and sisters if they do not have parents or grandparents or if it is not possible to obtain maintenance from these persons (Family Act, art. 67).

190. If a parent fails to perform the duty of providing maintenance for a child, a court will, at the request of the other parent, or of the guardian or guardianship authority, order support for the child to be paid to the parent who submitted the claim or to the guardian or person in whose interests the guardianship authority submitted the claim. Support for a child will be specified as a monthly support payment based on the financial situation of each parent and the needs of the child (Family Act, art. 61).

191. Deprivation of parental rights does not release a parent from the duty of providing maintenance for a child. If a child has been placed in a childcare institution and a parent fails to perform the duty of providing maintenance for the child, a court will, at the request of the childcare institution or a guardianship authority, order child support to be paid by the parent to the childcare institution where the child resides (Family Act, arts. 55, 62). An orphan or child deprived of parental care has the right to full maintenance by the State (Child Protection Act, art. 15).

192. According to article 13 of the State Pension Insurance Act (RT I 1998, 64, 1009), in the case of the death of a parent or if a parent is declared missing pursuant to the established procedure, his or her minor children will be granted a survivor's pension regardless of whether they were maintained by the provider or not.

193. The survivor's pension is paid to the child until the child attains 18 years of age, or up to 24 years of age if the child is enrolled in daytime or full-time study. In 1999, minors and students up to 24 years were paid survivors' pensions in the total amount of 11,658,075 kroons.

194. As at 1 January 2000, there were 14,007 minors (764 of them orphans, 7,105 male and 6,902 female) and 5,454 students aged 18-24 in Estonia one or both of whose parents were dead and who had been granted a survivor's pension.

Table 9

Children under 18 receiving a survivor's pension

1997	1998	1999	2000
14 208	14 019	14 131	14 007

Source: Estonian Statistical Office, 2000.

F. Children deprived of a family environment (art. 20)

195. Article 62 of the Child Protection Act establishes that temporary assistance, support and protection will be provided to the child in shelters (safe houses). The director of a shelter is required to notify the social services departments and police department at the place of residence of the child of any child who enters the shelter.

196. A shelter provides assistance and protection to children in need, regardless of their place of residence, state of health, nationality and other characteristics. A child may go to a shelter on his or her own initiative if he or she has left home, a foster-parent or a childcare institution due to problems relevant for the child. Any adult whom a child approaches for assistance may also bring the child to a shelter.

197. A shelter provides a child deprived of parental care or a child in danger with care, medical aid and rehabilitation appropriate for the child's age and condition, and together with the local authority of the place of residence of the child, guarantees the protection of the child's rights and interests.

Table 10

Children in shelters

1996	1997	1998	1999
1 470	1 245	1 296	1 292

Source: Estonian Statistical Office, 1999.

Table 11

Three main causes of stay among the total number of children in shelters (percentage of causes overall)

	1997	1998	1999
Difficult economic situation	9	26.5	27.6
Neglect at home	23.4	21.4	25.6
Vagrancy	21.5	13	11.3

Source: Estonian Statistical Office, 1999.

Table 12

Number of persons in shelters and social rehabilitation centres*

Cause of stay	In shelters 1997	In shelters 1998	In social rehabilitation centres 1997	In social rehabilitation centres 1998
Violence	14	20	59	45
Domestic violence	170	122	19	17
Violence at school	15	1	6	10
Vagrancy	268	169	2	6
Negligence at home	291	277	0	51
Abuse of alcohol	94	57	5	2
Drug abuse	13	9	3	4
Lack of dwelling-place	86	86	4	3
Difficult economic situation	113	339	5	9
Other reasons	181	216	186	251
Total	1 245	1 296	289	398

Source: Estonian Statistical Office, 2000.

* Shelters - institutions offering temporary 24-hour assistance, support and protection. Social rehabilitation centres - institutions established for intensive rehabilitation of persons with special needs.

198. Since 1999, an orphan or child deprived of parental care is guaranteed full maintenance by the State regardless of the form of maintenance provided to such a child (children's home, residential educational institution, foster family). A children's home is an institution meant as a substitute home for orphans and children who have been deprived of parental care. A residential educational institution is an institution meant to provide a dwelling, development and teaching to school-aged disabled children. Special boarding schools are schools for children with physical, speech, or mental disabilities. Currently there are still children in Estonia whose home is a special boarding school but in the future these children should also live in a children's home if necessary (if no substitute family is found for them), from where they would attend different schools, according to their needs.

199. A child is placed in a children's home or for care in a family if the child is an orphan or has been deprived of parental care and no guardian has been found for the child or the child has not been adopted. Children whose ability to cope cannot be guaranteed by the provision of other social services or assistance are sent to a children's home (Social Welfare Act, arts. 15, 16). If possible, placement in a family is preferred. Such placement will not give the foster family the rights or obligations of a legal representative. The number of children placed in foster families rose in 1999, when in addition to child benefits the State began to make payments to cover the costs of maintenance of a child in a foster family.

Table 13

Number of children who were placed with guardian families and foster families, 1996-1999

	1996	1997	1998	1999
With guardian families	362	440	319	314
With foster families	125	130	320	610

Source: Estonian Statistical Office, 2000.

200. When placing a child in a children's home, the wishes of a child who is at least 10 years of age have to be considered. The wishes of a child who is less than 10 years of age also have to be considered if the level of development of the child so permits (Social Welfare Act, art. 32).

201. Russian-speaking children are placed in a children's home where the language is Russian (i.e. the staff are Russian-speaking), thus guaranteeing the child his or her inherent language environment and cultural continuity.

202. Upon placement of a child in a children's home, documents are sent with the child containing information on the child's family, location of relatives and their financial situation, information on the child, his or her health and education. The file also has to contain documents pertaining to the inherited property of the child and its administrator, and information on other income of the child (pension and other financial income of the child).

203. The organization of life in children's homes has been transformed to resemble life in a family. Children in a children's home live in groups or families. One family consists of 8 to 10 children. On arriving in a children's home, a child is placed in a family suitable for him or her. In the placement of a child, a child's age, state of health, relations with other children, etc., are taken into account. Brothers and sisters normally live in the same family. The plans of a family are discussed together with the children of the family. The director or deputy director of a children's home advises a family and monitors its activities.

204. Upon placement of a child in a children's home it is presumed that the child will stay in the children's home only temporarily. The local government of the child's place of residence is required to seek a guardian or an adoptive parent for the child and should attend to the preservation of the child's relations with his or her former home. The rural municipality or city government may also find a foster family for the child. A rural municipality government or city government will, if necessary, provide assistance to a family from whom a child has been taken in order to help establish the prerequisite conditions for the child to return to the family (Social Welfare Act, art. 25). In 1998, 119 children returned to their parents from children's homes, 52 were adopted, 6 were put under guardianship and 4 were given to families for care (data of the Department of Statistics and analysis of the Ministry of Social Affairs).

Table 14

Children and youth staying in social welfare institutions, by cause of stay, 1999 (at year-end)

Age	Orphans	Left without parental care	On parent's application *	Total	Temporarily in families
0-2	2	75	15	92	-
3-6	8	129	35	172	-
7-14	89	657	131	877	2
15-17	33	246	61	340	2
Total	132	1 107	242	1 481	4

Source: Ministry of Social Affairs

* Children are mainly placed in residential educational institutions.

Table 15

Social welfare institutions for children

	1990	1995	1996	1997	1998	1999
General children's homes	12	17	17	17	24	27
Children's homes for infants	7	7	7	7	0	-
Special children's homes	3	0	0	0	0	-
Residential educational institutions	4	7	8	8	7	6
Children's homes of family type	0	0	2	3	3	4
Youth homes	0	0	1	2	2	1
Mixed-care social welfare institutions	0	0	1	1	1	1
Total	26	31	36	39	37	39

Source: Estonian Statistical Office, 2000.

Table 16

Wards in social welfare institutions for children

	1990	1995	1996	1997	1998	1999
General children's homes	622	764	762	772	1 143	1 133
Children's homes for infants	286	317	338	335	0	-
Special children's homes	116	0	0	0	0	-
Residential educational institutions	499	389	443	459	409	385
Children's homes of family type	0	0	61	71	88	140
Youth homes	0	0	19	20	36	24
Mixed-care social welfare institutions	0	0	35	29	23	28
Total	1 523	1 470	1 658	1 686	1 699	1 710

Source: Estonian Statistical Office, 2000.

205. Street children are children under 18 years of age who for a shorter or longer period live in a street environment. They wander aimlessly from place to place and their friends and social relations are in the streets. Officially, the address of these children may be the address of their parents' home but in reality they have few if any contacts with adults, parents, school, child protection institutions and social services departments who have responsibility for and duties towards them.

206. Based on a round-table discussion convened in 1998 by the Minister of Social Affairs, involving child protection workers of local authorities and county governments and representatives of different ministries and non-governmental organizations, there are about 10 children in Estonia without home or family and who live their life in the streets, 500 children who constantly wander in the streets but who have a home and parents and 3,000-4,000 children who are in danger of falling into a situation where they would go onto the street.

207. As a result of a round table on the topic of street children organized by the Open Estonia Foundation in 1999, the estimated situation is as follows: there are about 4,000-5,000 children in the streets in Estonia. The number seems high because it includes children who are evading their obligation to attend school and children deprived of parental care. If the term "street children" is used to refer to children who have no home and who live "in the streets", the number would be approximately 100-200. The more problematic regions are Tallinn, Tartu and Ida-Virumaa (in the latter case, more precisely the city of Narva).

208. A concrete step towards improving the situation of street children was taken in Estonia at the beginning of summer 1998 when a project competition, "Street children/children in the street" was announced. The competition called upon different non-governmental organizations active in the field and also the local government day centres to submit projects related to the subject of street children. The programme was launched and funded by the Open Estonia Foundation, the King Baudouin Foundation and the World Bank. The total cost of the programme is 2.5 million Estonian kroons. The duration of the programme is two years and during the programme financial support is provided to different non-profit associations and welfare institutions. The programme also includes joint training, offering necessary skills and knowledge to project leaders for a better implementation of their ideas.

G. Adoption (art. 21)

209. Chapter 10 of the Family Act establishes the content, deciding, giving of consent and cancellation of adoption, and sets out the conditions for intercountry adoption.

210. Adoption may take place only in the interests of the child and is carried out according to the procedure set out in the Family Act and in conformity with the principles of the Child Protection Act and in accordance with the requirements of the Code of Civil Court Procedure.

211. Adoption is decided by a court on the basis of the application of a person wishing to adopt. In deciding on an adoption, the court will include a guardianship authority in the proceedings for the purpose of hearing its opinion in order to guarantee the best interests of the child. A guardianship authority will, at the request of a court, collect and prepare the information necessary for deciding on an adoption (Family Act, art. 76). Adoption creates the rights and duties of parent and child between an adoptive parent and an adopted child. Adoption is for an unspecified term and cannot be conditional (Family Act, art. 73).

212. The county government is the guardianship authority which advises a court about adoption and participates in the court hearing. This task is usually carried out by a child protection worker of the county government social and health department whose task is to ascertain the necessity and possibility of adoption and whether adoption is permissible and all the requirements are met. The child protection worker will check whether the child's parents and legal guardians agree to the adoption and if necessary will obtain their consent for adoption. The consent of a child at least 10 years of age to being adopted is obtained and the opinion of a child under 10 years of age is also considered, depending on the child's maturity. The child protection worker will advise the relevant persons if necessary.

213. A child protection worker will prepare the persons wishing to adopt, checks their psychical health and financial readiness for raising the child, makes home visits and talks with the persons wishing to adopt and advises them about adoption issues. In September 1995, the Minister of Social Affairs approved the guidelines for adoption, which are an advisory document.

214. Adoption is decided by a county or city court of first instance. A person wishing to adopt a child shall submit a petition for adoption to the court in the place of residence of the adoptive child. A petition for adoption shall be heard in a court session in camera in the presence of the petitioner and the guardianship authority. A petitioner shall participate in a court session in person. After the entry into force of the judgement on adoption, the court shall send the copy of the judgement to the vital statistics office where the birth registration of the adopted child is located. The judgement is the basis for the amendment of the birth registration of an adopted child.

215. Intercountry adoption can take place if sufficient care cannot be provided to the child in Estonia (Child Protection Act, art. 66). It means if no adoptive parents, guardian, or possibility of care in a family or elsewhere is found for the child in Estonia.

216. A guardianship authority is required, according to the guidelines for adoption, to examine the possibilities of finding a family for the child in Estonia, forwarding relevant information concerning the child to other counties. If within two months no family is found for the child in Estonia, information about the child is forwarded to the Ministry of Social Affairs, which will arrange intercountry adoption in accordance with the Social Welfare Act (§ 6).

217. According to the Family Act, adoption to another country can take place only with the consent of the Minister of Social Affairs (§ 82).

218. In the case of intercountry adoption the same principles are applied as for adoption in Estonia.

219. In order to avoid the possibility of improper gain, the procedure for adoption to another country is centralized under the Ministry of Social Affairs, which keeps information on children for whom no family has been found in Estonia, and on persons from other countries who wish to adopt and who have approached the Ministry with their wishes. Intermediaries are prohibited except for organizations from other countries which have a legal right in their own countries to arrange adoption. Agreements with organizations to this end are concluded to guarantee more secure management of procedures and to avoid adoption on private initiatives and the intervention of possible intermediaries. Cooperation partners are required to present documents certifying their right to conduct international adoptions and if the law of a respective country so requires they should also have special permission to cooperate with Estonia. The Ministry of Social Affairs has established effective cooperation with foreign representations to Estonia, which are notified of new cooperation partners.

220. There is a trend towards concluding written cooperation agreements with organizations arranging international adoption. The agreements would set out the activities and responsibility of the parties in arranging adoption and would guarantee conformity with international agreements.

Table 17

Adopted children

	1996	1997	1998	1999
Children adopted by a parent's spouse	161	132	106	92
Children adopted into a new family	79	58	57	39
Number of adoptions to another country	29	37	30	37
Total adoptions	269	227	193	168

Source: Estonian Statistical Office, 1999.

H. Illicit transfer and non-return (art. 11)

221. See chapter VIII, section C.4 below.

I. Abuse and neglect (art. 19); physical and psychological recovery and social reintegration (art. 39)

222. The Social Welfare Act imposes the duty to arrange for the welfare of children and to create an environment favourable for the development of children on local governments, which take measures both to prevent cases of maltreatment of children and to provide necessary assistance. According to article 33 of the Child Protection Act, the child must be protected from all forms of sexual exploitation.

223. Inducing a state of intoxication in a minor, buying alcoholic beverages for a minor and failure to fulfil the obligation to raise and teach a child constitute an administrative offence (Code of Administrative Offences, art. 26).

224. In cooperation with the third sector increasing attention is being paid to informing the public about problems of maltreatment of children. The Estonian Central Union for the Protection of Children and the Estonian Children's Fund have carried out several media campaigns to attract the public's attention to problems of child protection.

225. The topic of maltreatment of children is included in the curriculum of pre-school education and general education schools and in the training programmes of specialists working with children. Since the school year 1998/99 the topic has also been covered in the curriculum of the Police Academy in order to guarantee that investigative bodies and courts treat children who have become victims of violence appropriately.

226. Several publications have been issued to inform the public: in 1997 a handbook *Maltreatment of Children* (in 2000 the handbook was also published in Russian), numerous information brochures and leaflets to ensure that people notify promptly when a child is found to be in trouble and that measures are taken without delay.

227. The Tartu Children's Support Centre has launched an initiative which has been supported by the Tartu Prosecutor's Office, social workers and juvenile police. In Tartu police prefecture, a special interrogation playroom with special technical equipment for questioning sexually abused children was built in autumn 1999. To avoid repeated questioning of the child, the investigative procedures are recorded on videotape.

228. The police statistics show how many sexual offences committed against children have been registered in the country within the last six years. According to the data of the juvenile police, a total of 460 children were victims of acts of violence in 1999, of whom 165 were victims of school violence, 59 were victims of family violence (including victims of sexual abuse by family members) and 72 were victims of sexual offences.

229. The following are sexual offences listed in chapter 4 of the Criminal Code (offences against persons) of which the victims have been children:

Rape of a minor;

Rape of a child;

Satisfaction of sexual desire in an unnatural manner, if knowingly committed against a person under 16 years of age;

Sexual intercourse with a female person under 14 years of age;

Indecent sexual acts against a person under 16 years of age;

An act of pederasty knowingly committed with a person under 16 years of age.

Table 18

Recorded sexual offences against children, 1994-1999

Article of the Criminal Code	1994	1995	1996	1997	1998	1999
§ 115 lg2 p3 Rape of a minor	30	33	27	28	18	22
§ 115 lg3 p2 Rape of a child	17	17	9	9	5	2

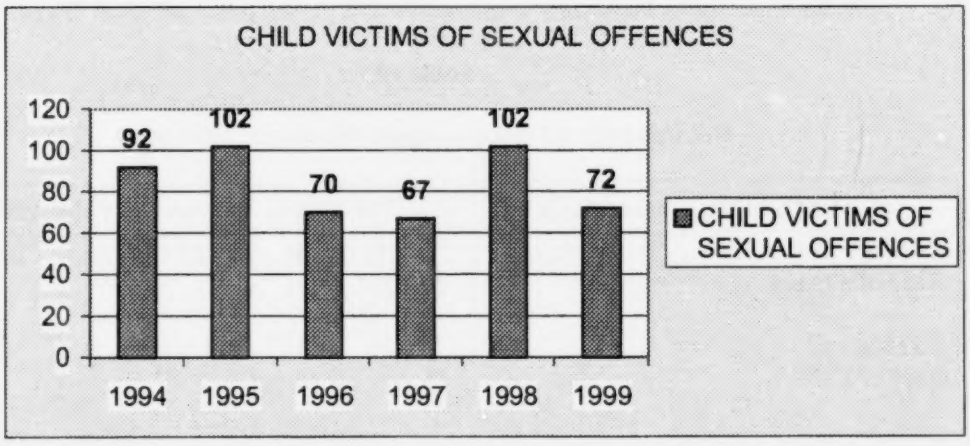
Table 18 (continued)

Article of the Criminal Code	1994	1995	1996	1997	1998	1999
§ 115.1 lg2 Satisfaction of sexual desire in an unnatural manner by violence or threat of violence or by taking advantage of the helpless situation of the victim if it is knowingly committed against a person under the age of 16	29	31	17	15	50	32
§ 116 An act of sexual intercourse knowingly committed by an adult with a female under the age of 14	5	1	1	1	3	1
§ 117 Indecent sexual acts knowingly committed with a person under the age of 16	8	16	12	13	15	11
§ 118 lg2 An act of pederasty knowingly committed with a person under the age of 16	3	4	4	1	11	4
Total	92	102	70	67	102	72

Source: Police Board.

Table 19

Child victims of sexual offences, 1994-1999



Source: Police Board.

230. It must be noted that sexual offences committed against children have not increased in proportion to the growth of the crime rate in general. A certain positive trend can be noted since 995. Its results can especially be felt in connection with the use of under-age prostitutes in brothels. Before the amendment of laws in 1995, 16- and 17-year-old girls could almost always be found in brothels during police operations. After 1995, when two court judgements were made against intermediaries using the services of under-age prostitutes, the situation changed drastically. During police operations in brothels, under-age girls are found only very rarely and even in those cases the girls themselves have lied about their actual age.

231. The Act Regulating Dissemination of Works which Contain Pornography or Promote Violence or Cruelty (RT I 1998, 2, 42) was passed in 1997 and entered into force on 1 May 1998. Estonian legislation and the current Criminal Code regulate this field relatively well. The offences in the Criminal Code are the following:

Acquisition, storing, transport, transfer, distribution, exhibition or making available by any other means of a work depicting a minor in erotic or pornographic situations;

Dissemination or exhibition or making available to a minor by any other means of a work promoting violence or cruelty;

Dissemination or exhibition of a work depicting a minor in erotic or pornographic situations;

Manufacture of a work depicting a minor in erotic or pornographic situations (in the Code since 1995);

Inducing a minor to engage in a crime or in prostitution (since 1995 this section is mainly used for criminal offences where a minor has been induced to commit a crime, as there is now a separate section in the Criminal Code for inducing a minor to prostitution);

Inducing a minor to prostitution, or mediating of prostitution with respect to a minor (in the Code since 1995).

Table 20

Recorded sexual offences, 1994-1999

Article of the Criminal Code	1994	1995	1996	1997	1998	1999
§ 200 lg1 Acquisition, storage, transport, transfer, dissemination, exhibition or rendering available in any other manner of works depicting minors in erotic or pornographic situations	0	0	1	1	0	0

Table 20 (continued)

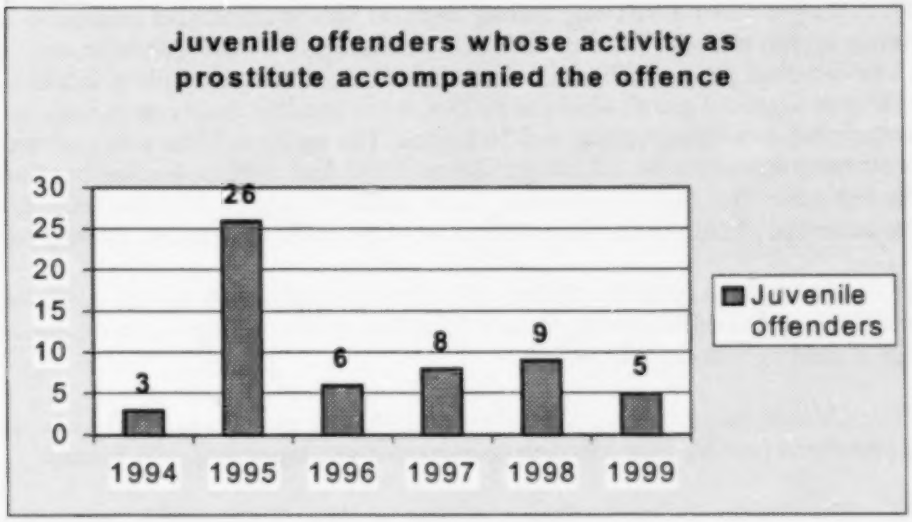
Article of the Criminal Code	1994	1995	1996	1997	1998	1999
§ 200 lg3 Dissemination or exhibition of works depicting minors in erotic or pornographic situations, or rendering such works available to minors in any other manner	0	1	0	0	0	0
§ 200.3 lg1 Manufacture of a work or a copy of a work depicting a minor in erotic or pornographic situations, without using the minor as an object of erotic or pornographic activity	0	0	1	0	0	0
§ 200.3 lg 2 Use of a minor as an object of erotic or pornographic activity upon manufacture of a work depicting erotic or pornographic situations	0	0	0	0	0	0
§ 202 Inducing a minor to engage in the commission of a criminal offence or in prostitution, or exploitation of a minor in prostitution	6	11	91	99	80	79
§ 202.6 lg3 p2 Pandering or pimping is punishable by three to seven years' imprisonment if committed against a minor	0	1	0	3	1	1

Source: Police Board.

232. On the basis of the data of the juvenile police, the number of under-age prostitutes since 1994 can be shown. It must be noted, though, that prostitution is not a reason to be included in the databank of the juvenile police because the activities of a prostitute are not punishable.

Table 21

Number of under-age prostitutes in the database of the juvenile police, 1994-1999



Source: Police Board.

233. The number of under-age prostitutes may be higher and, according to estimates of different experts which correspond to the opinion of public organizations, there may be between 100 and 120 under-age prostitutes in Estonia, of whom the majority are young women aged 16-17. The databank of the juvenile police contains only minors who have committed an offence and have been prosecuted for it, and the person's activity as a prostitute accompanied this offence. The problem of under-age prostitutes exists and needs further solutions.

234. According to the data of the juvenile police, before 1995 at least three pornographic films in which a minor participated were produced in Estonia and it was not possible to impose a punishment for this. But after the relevant amendments were made in the law, the police have no information about further such activities.

J. Periodic review of placement (art. 25)

235. With Minister of Education regulation No. 33 of 2 June 1999 "Approving the procedure for acceptance into and exclusion from a special kindergarten (special group), sanatorium-school, special school (special class) for children with deviations" the basis and conditions for acceptance into and exclusion from the above institutions were established. A child is admitted to a special kindergarten (special group) and a pupil to a sanatorium-school or special school (special class) for pupils with deviations on the decision of a counselling committee and on the basis of a written application from a parent or guardian.

236. Children with physical, speech, mind and mental impairments and psychological disturbances and autistic children may be admitted to an adjustment group in a special kindergarten.

237. Six-year-old children with hearing disorders may be admitted to preparatory groups at relevant special schools. Children with different degrees of mental retardation may be admitted to a development group. In the case of a combined impairment, the child is sent to a special kindergarten (special group) which, to the best extent possible, assists the child in his or her development, or a separate group may be formed. Groups for children with combined impairments may admit the following children: blind-deaf children, hearing-impaired children who also suffer from mental retardation, vision-impaired children who also suffer from mental retardation and physically impaired children who also suffer from mental retardation.

238. Sanatorium-schools for children with severely deteriorating somatic conditions admit pupils with severely deteriorating somatic conditions or with a chronic somatic condition in a stage of decompensation or acuteness.

239. Children with combined impairments are sent to a special school (special class) which to the best extent possible promotes their development, or a separate class is formed.

240. The Minister of Social Affairs regulation No. 41 of 27 May 1999 "Approving the conditions and procedure for granting applications for postponement of fulfilment of the obligation to attend school" establishes the conditions for postponing the fulfilment of the obligation to attend school based on the state of health of a child. The obligation to attend school is only postponed if during this period the parent guarantees the child an environment necessary for the child's development and rehabilitation, and the possibility of continuing to acquire a pre-school education until entering school.

241. The Organization of Health Care Act adopted on 18 January 1994 establishes the legal status of health-care institutions and the basis for financing the health-care system. Based on the law, a parent or guardian has the right to obtain an assessment of the child's health from a doctor.

242. With Minister of Social Affairs regulation No. 23 of 6 June 1997 "Assessment of quality of medical care" a permanent expert committee on the quality of medical care was formed. Its tasks are to organize control of medical care in medical institutions, regardless of the form of ownership of the medical institution; organize and coordinate medical audits; review the results of medical audits and make expert decisions; define standards of quality for medical care and submit them to the Minister for approval; make proposals for solving quality-related disputes between sickness insurance funds and medical institutions; at the request of a patient, the medical insurance board of the health insurance fund, insurance organization or department of health of the Ministry of Social Affairs, organize expert assessment of quality-related disputes between a medical institution and patient.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2) and health and health services (art. 24)

243. Natural increase of the population in Estonia has been negative since 1991, because of a decrease in fertility and the rising number of deaths. In recent years, the average age of people in Estonia has risen somewhat and achieved the level of the end of the 1980s; women's average age has even exceeded the average of that time. This has also been influenced by the decline in infant mortality.

Table 22

Infant mortality (deaths under 1 year of age per 1,000 live births)

1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999*
14.8	12.4	13.4	15.8	15.8	14.5	14.8	10.4	10.1	9.3	9.5

Source: Estonian Statistical Office, 1999.

* When calculating the proportion of Estonians, persons of unknown ethnic nationality have not been taken into account.

244. Although infant mortality (mortality of children 0-1 years old) has declined in Estonia, it is still high compared to developed countries. A sharp increase of infant mortality in 1992-1993 was partly due to the fact that since 1992 a new definition of birth was applied, according to which births after the twenty-second week of pregnancy (instead of the previous 28 weeks) and of children with a birth weight of 500 grams (instead of the previous 1,000 grams) were registered. The decline in infant mortality is a result of a decrease of early neonatal deaths, which, in turn, is due to improvement of pre-birth diagnostics. If in 1995 there were 7.9 deaths of infants 0-6 days old per 1,000 live births, in 1998 the rate was 3.0. Mortality of infants under one year old due to pathologies of the perinatal period dropped in the same period from 8.2 to 3.7 per 1,000 children of that age. The main causes of infant deaths are pathologies of the perinatal period and congenital malformations (see table 23).

Table 23

Age-specific death rate of children (per 1,000 children at age specified)

Age	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
0-4	3.79	3.20	2.93	3.48	3.08	2.75	3.33	2.19	2.35	2.32
5-9	0.60	0.54	0.43	0.48	0.45	0.38	0.48	0.41	0.40	0.35
10-14	0.45	0.47	0.37	0.53	0.47	0.45	0.40	0.43	0.36	0.26
15-19	1.17	1.21	1.18	1.07	1.11	1.23	1.14	0.72	0.96	0.75

Source: Estonian Statistical Office, 1999.

245. In the case of children 1-18 years of age the most important causes of deaths are accidents, poisonings and traumas (see table 24). In recent years, the mortality of children 1-14 years of age due to accidents has risen. The mortality of boys was higher than of girls. The main causes of death of pre-school-aged children are drowning, falling and poisoning. The main cause of death of school-aged children is traffic traumas. Suicides of school-aged children have become more frequent.

Table 24

Causes of death, 1998 (per 100,000 children at age specified)

Cause of death	0	1-4	5-9	10-14	15-19
All causes	928.8	72.6	35.2	26.0	74.8
Of which:					
Infectious and parasitic diseases	48.9	3.7	0	0.9	1.9
Neoplasms	0	9.3	4.1	5.4	6.6
Diseases of the respiratory system	97.8	1.9	2.1	0	1.9
Congenital anomalies	227.0	16.8	2.1	0.9	0.9
Certain conditions originating in the perinatal period	366.6	0	0	0	0
Injury and poisoning	97.8	33.5	19.7	14.4	53.1
Including traffic traumas	0	7.5	2.1	3.6	18.0
Falling	8.1	1.9	1.0	0.9	1.9
Suicides	0	0	1.0	4.5	13.3
Murders	0	1.9	2.1	0	6.6
Drowning	0	13.0	8.3	2.7	0

Source: Estonian Statistical Office, 1998.

Table 25

Death rate at age 0-19 by cause of death, 1995-1998

Cause of death	1995	1996	1997	1998
All causes	119.5	83.2	88.9	77.8
Of which:				
Infectious and parasitic diseases	3.1	1.2	2.6	2.9
Neoplasms	8.3	9.2	5.1	5.8
Diseases of the circulatory system	1.5	1.2	1.8	0.8
Diseases of the respiratory system	4.4	4.3	5.1	4.5
Congenital anomalies	11.7	10.8	9.8	12.4
Certain conditions originating in the perinatal period	27.4	17.3	15.7	11.9
Traffic traumas	11.9	9.5	14.7	7.9

Table 25 (continued)

Cause of death	1995	1996	1997	1998
Falling	1.7	1.0	1.0	1.5
Drowning	10.5	3.5	9.8	4.7
Poisoning	1.4	1.9	1.2	1.3
Fire accidents	7.1	1.5	2.1	1.8
Suicides	4.8	4.8	5.1	5.2
Murders	4.3	3.8	2.6	2.6

Source: Estonian Statistical Office, 1998.

246. The main causes of morbidity of children are respiratory diseases which make up 31 per cent of the causes of hospitalization. Contraction of allergic diseases has become more frequent. The frequency of contraction of various infectious diseases has also risen, but the organization of vaccinations has so far helped to avoid larger break-outs of infections.

247. Based on various surveys it can be stated that the eating habits of children have become healthier on the whole, thanks to diversification of the selection of foods. Consumption of fruit among children and youth has risen considerably. According to 1998 data, 59 per cent of young people ate fruit once or twice a day. The consumption of both fruit and vegetables has increased - according to 1998 data, 44 per cent of young people ate fresh vegetables once or more often daily, the proportion of non-eaters of vegetables was 4 per cent. A small proportion (3-15 per cent) of young people ate potato crisps once or more often daily. But the consumption of bread has dropped considerably, only 54 per cent of young people ate bread. Consumption of high-fat milk has dropped significantly. But the consumption of fish and fish products is still low. In rural areas the consumption of main foodstuffs like bread, white bread, potato and high-fat milk is notably higher.

248. Physical activity of children has not changed considerably in recent years. Among school-aged youth, according to 1998 data, 24 per cent exercised daily and 4 per cent were physically very passive.

249. Smoking is widespread in Estonia. Every second man and every fifth woman smokes regularly. In half of the families with children there is a smoker. Health education and a negative attitude to smoking is at the necessary level only in a few schools. An international survey of the behaviour of schoolchildren in 1995 revealed that among 15-year-olds 17 per cent of boys and 6 per cent of girls smoke regularly. The number of daily smokers among girls has risen significantly. Of 21- to 25-year-old young men, 32 per cent had never smoked, among girls the number was 62 per cent.

250. Alcohol consumption is relatively high among 15- to 16-year-olds: only 5 to 6 per cent have not tried alcohol at that age. Among students, 63 per cent consume alcohol and 32 per cent smoke regularly; 10 per cent of students consider drinking a couple of glasses a day to be a health risk and 57 per cent think that the risk begins after four glasses of alcohol a day. According to a 1996 health survey, 13 per cent of young men and 28 per cent of young women aged 21 to 25 had never consumed alcohol.

251. The frequency of psychological disturbances has risen in recent years. The results of surveys show that the stress level of pupils is higher than that of teachers who have more stress factors. Surveys also revealed that the assistance of specialists/psychologists is not sufficiently available either to pupils or teachers.

252. In a survey carried out in 1998, more than 60 per cent of pupils complained of school-tiredness, 34 per cent of pupils noted that they had smaller or bigger problems with teachers. In 1998, young people had various psychosomatic complaints more often than in 1994. The more widespread complaints are irritability, nervousness and tiredness/exhaustion.

253. A survey of pupils in years 8 to 12 at school carried out in 1996 and 1997 displayed an expected connection between the economic situation and security of a family and drinking of the father. According to a 1996 health survey, depression occurred among 4-5 per cent of 16- to 25-year-old men and 11 per cent of women.

254. Seventeen per cent of pupils found that they are avoided by fellow pupils, teachers or parents. The pupils considered the main reason for such avoidance to be the difficult economic situation of the family, their ugly looks, drinking parents, which also resulted in poorer clothes, less pocket money and fewer possibilities for recreation. Thirty per cent of teachers and 24 per cent of parents were aware that the children were being avoided. Among pupils in years 5 to 10, 11 per cent did not wish to serve in the defence forces, in years 11 and 12 that number had increased threefold.

255. In Estonia, there are still no reliable data about home and school violence. The general trends can be observed based on the reasons for referral of children to shelters and rehabilitation centres (see Part 5.6).

256. Sixty-one per cent of deaths among 1- to 14-year-old boys and 37.5 per cent among girls the same age were caused by injuries and poisoning. In Estonia, every year approximately four children are killed by their own parents. The mortality of 5- to 19-year-olds due to accidents, poisoning and violence is one of the highest in Eastern Europe.

257. One fifth of accidents involving children happen at school. In 70 per cent of cases, these are sports injuries, followed by injuries in free time.

258. Estonia is well supplied with drinking water. There is a public water supply system in every city and town. The rural population uses single wells, bore wells or shaft wells. Drinking water must conform to the requirements established by the Water Act (RT I 1994, 40, 655; 1996, 13, 240; 1998, 61, 987). The conformity of the quality of drinking water to the standard must be checked by undertakings producing water from the public water supply. State supervision over the quality of water is carried out by the Health Protection Inspectorate. Handling of drinking water is regulated by the Water Act, the drinking water standard of the State Standardization Board and regulation of the Minister of Social Affairs by which the standard is made obligatory for water producers and supervisory bodies.

259. The provision of meals in a pre-school childcare institution is regulated by Minister of Social Affairs regulation No. 64 of 25 October 1999 "Approving the requirements for health protection, the promotion of health, drawing up the timetable and providing of meals in pre-school childcare institutions".

260. According to the 1999 Food Act (RT I 1999, 30, 415), food must be safe. Food must be prepared from as fresh as possible unprocessed foodstuffs, considering the "Estonian nutritional recommendations" approved by Minister of Social Affairs regulation No. 62 of 14 December 1995.

261. Before conclusion of a labour contract and thereafter on a regular basis, employees of a children's establishment must undergo a health check in accordance with Minister of Social Affairs regulation No. 44 of 23 December 1997 laying down the requirements for "Prevention of the spread of infectious diseases".

262. In 1995, the Government approved the Estonian national health care policy. Health care is regulated by the State Health Insurance Act (RT I 1991, 23, 272; I 1999, 7, 113), Organization of Health Care Act (RT I 1994, 10, 133; 1995, 57, 978; 1997, 86, 1462; 1999, 97, 860), Public Health Act (RT I 1995, 57, 987; 1999, 88, 804) and Medicines Act (RT I 1996, 3, 56; 1996, 49, 954; 1998, 36/37, 554).

263. The Organization of Health Care Act establishes that every person staying in the territory of the Republic of Estonia has the right to urgent medical aid. Urgent medical aid is aid in a situation where delaying the aid would directly endanger the person's life or health.

264. Based on the State Health Insurance Act, the health insurance costs of the following persons are covered: insured persons and family members under their maintenance; children up to 18 years of age; pupils and students enrolled in daytime study at educational institutions; a parent, guardian or caretaker maintaining a disabled child up to 18 years of age or a person disabled since childhood; persons raising a child up to 3 years of age; pregnant women.

265. Changes in the organization of health care (the transfer to health insurance and the trend to the development of primary level medical aid) have affected the traditional health services provided to mothers and children, in particular the paediatric service. In 1999, there were 446 paediatricians in Estonia (539 paediatricians in 1997). Transfer to the system of family doctors gave some of the functions of paediatricians to family doctors and also cut the number of paediatricians.

266. With Minister of Social Affairs regulation No. 4 of 16 January 1995, prophylactic examinations of children up to 7 years of age were approved. Prophylactic care is aimed at early detection of health disorders, early detection of deviations from the normal, vaccination and diverse counselling of parents. The frequency of prophylactic examinations is aligned with the vaccination calendar; the "Programme of immuno-prophylactic treatment for 1998-2000" was approved by Government of the Republic regulation No. 170 of 8 December 1993.

267. Vaccinations are given against tuberculosis, diphtheria, tetanus, whooping cough, poliomyelitis and measles as set out in the vaccination calendar.

268. With Minister of Social Affairs regulation No. 33 of 29 July 1997 "Pre-birth diagnosis" the methodological guidelines for pre-birth diagnosis of hereditary diseases were approved. Regular health checks of infants and small children are carried out in accordance with Minister of Social Affairs regulation No. 4 of 16 January 1995 approving the prophylactic examination of children up to 7 years of age.

269. Based on Minister of Social Affairs regulation No. 64 of 25 October 1999 "Approving the requirements of health protection, promotion of health, drawing up of the timetable and providing of meals in pre-school childcare institutions", pre-school childcare institutions must have a health worker whose activities are mostly aimed at prevention of diseases and promotion of health, paying also attention to health-promoting activities at school.

270. Thanks to better inoculation coverage and improvement of the quality of vaccines, the incidence of measles, rose rash and whooping cough among children has dropped. In 1998, 88 per cent of registered children were vaccinated against diphtheria, tetanus, whooping cough and poliomyelitis, 72 per cent against measles and close to 100 per cent against tuberculosis.

271. Since 1994, the incidence of tuberculosis has become more frequent. The Government has approved the "National programme against tuberculosis for 1998-2003". Under the programme, a directly controlled treatment system has been applied, a tuberculosis register created, laboratories reorganized, and training provided: lectures, seminars, information days for representatives of the administration and health insurance funds, lung doctors and doctors providing primary-level medical care.

Table 26

New cases of active tuberculosis

Age	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
0-14	5	5	4	4	9	18	16	27	10	14
15-19	5	10	8	7	23	19	22	16	23	17

Source: Estonian Statistical Office, 2000.

272. The Ministry of Social Affairs has prepared a national development plan of immuno-prophylactic treatment aimed at preventing the spread of infectious diseases and avoiding serious consequences of the diseases through vaccination based on the recommendations of the World Health Organization and existing scientific research. The development plan helps to organize immuno-prophylactic treatment with the aim of achieving and maintaining 95 per cent coverage of 2-year-old children with vaccinations against diphtheria, tetanus, poliomyelitis, measles, mumps and rose rash, and 90 per cent coverage against whooping cough, as well as 95 per cent revaccination coverage of children and young people, as well as the compulsory examination of pregnant women to detect the virus causing hepatitis B and the vaccination of virus carriers and children up to 13 years against hepatitis B.

273. Based on Minister of Social Affairs regulation No. 1 of 25 January 1999 "Financing of measures for the prevention of diseases", the following activities aimed at the prevention of children's diseases are financed:

Vaccination of newborns against hepatitis B;

For infants (0-1 years): swimming;

For children 1-7 years: prophylactic examination; prophylaxis of dental diseases;

For schoolchildren: school health care; vaccination of pupils in year 3 against hepatitis B; prophylaxis of dental diseases; prevention of tuberculosis among children at risk.

274. In 1999, the Government approved the Estonian national action plan for environmental health, which is aimed at restoring and developing the living environment and improving people's health. The priorities of the Estonian environmental health action plan are the following:

Reducing the incidence of traumas;

Improving the quality of the air inside buildings;

Reducing noise and its causes;

Improving the occupational environment;

Improving the composition of food, adjusting eating habits;

Alleviating psychological stress.

275. In 1993, the Estonian Health Education Centre was created and one of its tasks is to provide health-related training. The Centre has developed a national project for the promotion of health with methodological guidance and training activities, and created a network of specialists.

276. There is also the Centre for Public Health and Social Training. One of its tasks is to organize additional training and provide counselling in the field of public health. Training programmes for public health specialists have also been prepared.

277. Since 1995, counties have public health specialists whose task is to promote a healthy lifestyle, undertake health education work, train and counsel health teachers, prepare and implement health promotion programmes, create a local infrastructure for public health (counselling and family planning centres, health and youth counselling bureaux, family doctor centres, etc.).

278. On 4 June 1996, on the proposal of the Ministry of Social Affairs, the Government initiated a national health programme for children and youth until 2005. The programme was triggered by observing the poor state of health of recruits drafted to serve in the defence forces, but also other alarming indicators of children's health. The aim of the programme is to address in a comprehensive manner the health problems of children and youth, and to find solutions that would give the growing generation the possibility of becoming healthy and active members of society.

279. Within the framework of the programme, projects for the development of the school environment, school health, mental health and school meals, and for the prevention of trauma and injuries were initiated. On 18 January 1999, the Government approved a supplement to the programme, determining a more exact course of action for 2000-2005.

280. Activities to promote the health of children and youth are also carried out through several other projects financed from the central health insurance fund. Since 1995, funds from the medical insurance budget have been allocated for the financing of health promotion projects. More than half of the projects financed this way are directed at children and youth.

281. The aim of the project "Tobacco free" is to cut consumption of tobacco and reduce the number of people taking up smoking. The project has three goals: preventing young people taking up smoking; helping smokers to give up tobacco; spreading awareness of passive smoking.

282. The aim of the trauma project is to reduce the number of traffic injuries and deaths due to traffic accidents and improve knowledge of traffic safety. The target group has mainly been children.

283. The project for the prevention of dental diseases emphasizes the teaching of oral hygiene techniques in kindergartens and schools, and also to parents and teachers. The necessity for this is shown by a survey revealing that only 27-41 per cent of the population clean their teeth several times a day (39-65 per cent of young people aged 16-24).

284. The movement of health promoting schools is gaining ground. In 1993, 10 schools founded the movement. Now five pilot schools have joined them. The aim of the movement of health promoting schools is to organize, in their respective schools, cities and counties events promoting health, to further the movement and cooperation between pilot schools and extend the network of health promoting schools in Estonia. The events involve pupils, teachers, as well as parents. Training by pupils of the same age has gained popularity. In 1997-1998, the creation of a network of health promoting schools in counties was started.

285. With government regulation No. 225 of 3 September 1996 the procedure for preparing children for traffic was approved. It is aimed at developing correct habits and attitudes in children with regard to the observance of traffic laws, in order to ensure traffic safety.

Children's traffic education is provided at schools and childcare institutions on a continuous basis, in cooperation with local government executive bodies. The continuity of children's traffic education is guaranteed in close cooperation with parents, children and childcare and educational institutions. Regular additional training and retraining is organized for teachers to help them provide traffic education. The training is coordinated by the Ministry of Education.

Maternity

286. In 1999, the programme of reproductive health for the period 2000-2009 was started. One of the aims of the programme is to achieve a constant decline of perinatal and infant mortality, and morbidity and mortality of mothers, bearing in mind that good reproductive health is basic to safe delivery.

287. All pregnant women from the twelfth week of pregnancy, children and persons raising a child up to 3 years old (caretaker of the child) are insured in accordance with the Health Insurance Act (RT I 1999, 7, 113). Pregnant women are guaranteed access to qualified medical care. Throughout the country there are women's counselling centres.

288. On the basis of Minister of Social Affairs regulation No. 1 of 25 January 1999 "Financing of measures for the prevention of diseases", the following activities aimed at the prevention of diseases among pregnant women and children are financed: for pregnant women (antenatal period): ultrasonographic examination of the foetus; determination of the fetoprotein, human chorionic gonadotropin in the blood serum of a pregnant woman; testing for syphilis, HIV, presence of the virus causing hepatitis B; administration of anti-D-globulin to Rh-negative first-time pregnant women in the case of abortion and amniocentesis.

289. On the basis of Minister of Social Affairs regulation No. 89 of 22 December 1999 "The procedure for compensation from the State budget of sums paid for recesses to feed a child, additional rest days, extended and additional vacation", persons in the following categories are entitled to the following benefits: persons raising a child younger than 1.5 years to the benefit for recesses to feed the child; parents of a disabled child to the benefit of an additional rest day; minors and disabled persons to the benefit of days given as an extension of the basic vacation exceeding 28 days, and a parent to the benefit of days given as an extension of the leave to care for a child (the above benefits for persons raising a child have been available in Estonia for the past 10 years).

290. Breastfeeding of infants has become more frequent - in 1997, 55 per cent of infants had been breastfed up to the age of three months, by the sixth month of life the proportion had dropped to 33 per cent. Mothers who start working immediately after the leave to give birth are entitled to recesses to feed the child and the recesses are compensated from the budget of medical insurance. In order to promote the Baby Friendly Hospital Initiative movement and breastfeeding, the Breastfeeding Committee has been formed including representatives of the Ministry of Social Affairs, families, psychologists, journalists, midwives and doctors. The activities of the committee are aimed at making hospitals more child- and family-friendly and at promoting breastfeeding.

291. Under the Food Act, advertising of breast-milk substitutes is prohibited, including advertising of infant formulae and follow-up formulae. With government regulation No. 436 of 29 December 1999 "Approving the requirements for content and quality of special foods and the requirements for handling substances used in the preparation of special foods, and the conditions and procedure for labelling special foods and notifying relevant information by other means", the requirements for content and quality of infant formulae and follow-up formulae and foods for infants and small children and the requirements for handling, labelling and notification of information by any other means were confirmed.

Sexual health

292. According to the 1996 health survey, 54 per cent of 16- to 20-year-old pregnant women gave birth to a child and 42 per cent terminated pregnancy with abortion. In general, both too early motherhood and abortions are seen as undesirable. In recent years, there have been no significant changes in the number of mothers under 16 years old or in the number of abortions among young women up to 19 years (see the tables).

Table 27

Abortions

Age	1994	1995	1996	1997	1998
Under 15	11	8	15	15	19
15-19	970	953	1 021	1 072	1 031

Source: Estonian Statistical Office, 1999.

Table 28

Live births to mothers under the age of 16

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Births	19	12	16	39	27	31	46	36	39	23	17

Source: Estonian Statistical Office, 2000.

293. Family planning counselling is conducted traditionally by a psychologist in a women's counselling centre or in a family counselling centre. Recently, the role of family doctors and midwives in family-planning activities has increased. In most county centres, there are counselling centres for young people where they can receive on a regular basis information about contraception and problems of sexual life from specially trained midwives or doctors. An

important role in providing education in reproductive health is exercised by the Estonian Family Planning Union. The Union was created in 1994. Since the beginning of its activities the main areas of activity have been directed at improving the sexual and reproductive health of young people. Work has been undertaken in three main fields:

Preparation of information material for young people, informing of young people;

Preparation of teaching material for sexual education in schools and training of teachers in sexual and reproductive health issues;

Training of youth counsellors and guaranteeing a service of equal quality, and through this creating a network of youth counselling centres.

294. In recent years, 15 youth counselling centres have been opened in Estonia. In addition, counselling services are offered by health-care institutions. Besides individual counselling, the youth centres also organize health training for groups.

295. Within the school curriculum, issues of human reproductive health are treated in years 4, 7 and 10. Health education is conducted by teachers of different subjects, medical workers and/or psychologists. Many schools organize sex education classes at county youth counselling centres.

296. Since 1990, the incidence of traditional sexually transmitted diseases like gonorrhoea and syphilis has increased. Since 1994, the incidence of gonorrhoea has dropped but the incidence of syphilis is still on the rise. In 1988, the first HIV carrier was registered in Estonia, the first HIV infection was registered in 1992.

B. Children with disabilities (art. 23)

297. In 1995 the Government approved the standard rules for the creation of equal rights for disabled people. On disabled people's issues (including disabled children) the Ministry of Social Affairs cooperates closely with the Council of Europe. There are several organizations of parents of disabled children in Estonia which have contacts with similar organizations in other countries and with international organizations.

298. The Constitution states that families with many children and persons with disabilities shall be under the special care of the State and local authorities (art. 28). According to the Family Act, parents have the right and duty to raise and care for their children (art. 50). This duty applies equally in the case of healthy, sick and disabled children. Disabled children are entitled to special support and services, depending on their particular disability.

299. Under the State Support Payments Act (RT I 1993, 15, 256; 1996, 86, 1539), until 1 January 2000 children with disabilities received monthly support payments. The Social Benefits to the Disabled Act (RT I 2001, 3, 10), which entered into force on 1 January 2000, provides for support payments to disabled children up to the age of 16. The payments fall into two categories, depending on the degree of disability. The law establishes the requirement to draw up and monitor a social rehabilitation plan for disabled children. According to the same

law, students with disabilities are paid an education allowance (to cover additional expenses arising from the disability), a transport allowance, a telephone allowance and a caregiver's allowance for one non-working caregiver per disabled child. On 1 January 2000, there were 4,752 children with disabilities.

Table 29

Estimated monthly average disability pension granted in the reference year, kroons

	1994	1995	1996	1997	1998	1999	2000
Pension	385	477	580	622	825	838	840/940

Source: Estonian Statistical Office, 2000.

300. On the basis of the Health Insurance Act, one parent or guardian taking care of a disabled child up to 18 years old is considered equal with persons having medical insurance. Benefits to disabled children also include several medicines that they can buy at reduced cost.

301. The State provides financial assistance (up to 90 per cent) for the purchase or renting of prostheses and orthopaedic and other appliances, and for the payment of services related to the above aids. Public transport throughout the country is available free of charge to disabled children. If possible, local authorities have assisted families with disabled children by providing benefits to them.

302. Laws regulating occupational relations and rest time also establish certain benefits for persons raising a child with a disability. For example, on the basis of the Labour Contracts Act, employees raising a disabled child can be dispatched on a business trip only with their consent; it is prohibited to transfer them to work in another area. According to the Working and Rest Time Act (RT I 1994, 2, 12), it is prohibited to require persons raising a disabled child to do overtime work, work at night or work on holidays without their consent, and if they so request they are entitled to reduced working time. One of the parents or a caregiver of a disabled child is entitled to have one additional rest day per month. According to the Holidays Act (RT I 1997, 74, 1229), they are also entitled to additional unpaid leave. In accordance with the State Pension Insurance Act, raising a disabled child is deemed an activity which is equal to work, and this time is included in the calculation of the length of service for the purposes of the payment of a pension. Beginning from 1 January 2001, the State will pay social tax for one non-working parent raising a disabled child less than 18 years old. On the basis of the State Pension Insurance Act, a parent or caregiver who has been raising a disabled child for at least eight years is entitled to the old-age pension on favourable conditions (five years before the normal pensionable age established by law).

303. According to the Pre-School Childcare Institutions Act (RT I 1999, 27, 387), a rural municipality or city government will guarantee all children living in its administrative territory the possibility of attending a childcare institution in the service area of their place of residence.

A pre-school childcare institution provides children with care and the possibility of acquiring pre-school education. On the proposal of the head of a childcare institution, a rural municipality or city government may form adjustment groups in a childcare institution where disabled children are together with other children, or special groups where disabled children are on their own. Special kindergartens may also be created for disabled children.

304. According to the Basic and Upper Secondary Schools Act (RT I 1993, 63, 892; 1997, 24, 365), a school is required to guarantee the possibility of studying to every child subject to attend school who lives in the service area of the school. The obligation to attend school may also be fulfilled by studying at home. The procedure for organizing study at home is established by the Ministry of Education. Depending on the pupils' need for special schooling, special assistance, special conditions for their upbringing and for their treatment, basic schools and upper secondary schools may be organized into special schools or sanatorium-schools. Schools for children with health problems and children with disabilities are established by the Ministry of Education or by an executive body of a local government. Special schools for children with disabilities are intended for pupils with physical, speech or mental impairments or for pupils needing special conditions for their upbringing. Sanatorium-schools are for pupils with health problems. Depending on the nature of their disability, children will receive special schooling, medical assistance, rehabilitation, correction and financial compensation. When there is no further need for them to attend a sanatorium-school or a special school, children may continue studying at their previous school.

305. The integrated studying possibilities in the Estonian educational system are as follows:

Ordinary schools, where if necessary an individual curriculum may be drawn up; appropriate classes are organized for the correction and rehabilitation of a disability;

Special classes at ordinary schools;

Ordinary schools, whereas rehabilitating and compensating subjects are studied under the instruction of a special teacher at a special school;

Special schools, where general educational subjects are taught while vocational training takes place in parallel at an ordinary vocational school;

Forming of special schools into counselling centres providing special schooling.

306. Several special training and day centres for disabled children and youth have been created. In 1995, the Astangu Coping Centre was opened in Tallinn and is becoming a vocational training and counselling centre for disabled young people in Estonia. According to the Vocational Educational Institutions Act (RT I 1998, 64, 1007), vocational educational institutions admit people with basic or secondary education. In cooperation with county governments and local authorities, educational institutions create possibilities for students to acquire vocational secondary and vocational higher education, considering the student's wishes, peculiarities and possibilities to find suitable jobs.

307. The attitude to disabled young people acquiring higher education is changing and there are increasingly more possibilities for them to attend higher educational institutions. But there are still many disabled people who have no access to higher education because of their insufficient prior education or the insufficiency of the studying conditions at higher educational institutions.

308. The availability of services for disabled people, including disabled children, has grown. Social rehabilitation courses at Karaski Adaptation Centre are attended by children with various disabilities, together with their family members. In some cities and counties there is a special transport service for disabled people at reduced price. Disabled children at ordinary schools can use the services of an assistant.

309. The school system as a whole is not prepared to consider the needs of all disabled pupils. Teachers at ordinary schools need additional training in issues of special education, and special education teachers need more knowledge in order to integrate children with serious special educational needs into special schools. Individual curricula need to be developed further; this is one of the reasons why not all children can receive education that corresponds to their needs.

Table 30

Disabled children

	1990	1994	1995	1996	1997	1998	1999
Recipients of disability pension	1 737	3 685	4 097	4 283	4 477	4 604	4 752
Estimated other pensions	598	709	704	678	580	555	655

Source: Estonian Statistical Office, 1999.

310. Families with disabled children often have economic difficulties as one of the parents often has to stay at home. A serious problem for children with a movement disability is posed by obstacles to moving around and the absence of ramps and lifts. There is a lack of assistants to help them to go to school, treatment institutions and hobby clubs.

C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

311. Adjustment groups at special kindergartens admit children with physical, speech, or mental impairment and children with psychological problems or autistic children. Groups for children with physical impairments admit children with diseases of the central and peripheral nervous system; diseases of the joints or arthropathies; diseases of the back or dorsopathies; diseases of the bone or cartilage; diseases of the soft tissue; congenital anomalies, deformations, chromosome anomalies, or pathology of the support and movement apparatus caused by a trauma.

312. Adjustment groups admit children with pronunciation and phonation disorders (voice disorders, disorders of speech rhythm and tempo, dyslalia, rhinolalia, dysarthria, anarthria); systemic speech disorder (alalia, aphasia); secondary speech disorders (due to a mild hearing impairment, psychological problems without mental retardation) or mixed specific development problems.

313. Development groups for vision-impaired children admit children whose vision impairment hinders their acquiring pre-school education in an ordinary or adjustment group and who have a central visual acuity of 0-0.05; central visual acuity of a better seeing eye with correction of 0.05-0.3; central scotoma and concentric narrowing of visual field of up to 30° or damage to different visual functions.

314. Groups for hearing-impaired children admit children with a hearing impairment in a central speech area (at a frequency of 500-4,000 Hz) 50-100 db, which hinders acquiring pre-school education in an ordinary group; children who have gone deaf at a later age and whose speech is partly preserved but whose hearing impairment hinders them acquiring pre-school education in an ordinary group; deaf children whose hearing impairment is 100-110 db or more or hearing-impaired children with a mild mental impairment or vision impairment. Six-year-old hearing-impaired children may be admitted to preparatory groups at relevant schools.

315. Development groups admit children with various degrees of mental retardation. In the case of a combined impairment, a child is sent to a special kindergarten (special group) which to the maximum extent promotes his or her development, or a separate group may be formed. Groups for children with combined impairments admit children who are blind and deaf; who have a hearing impairment accompanied by mental retardation; who have a vision impairment accompanied by metal retardation, or a physical impairment with mental retardation.

316. Sanatorium-schools for children with severely progressing somatic diseases admit children with severely progressing somatic diseases or with chronic somatic diseases in a period of decompensation or in a state of acuteness. Schools (special classes) for children with physical disabilities admit pupils who have diseases of the central and peripheral nervous system; diseases of the joints or arthropathies; diseases of the back or dorsopathies; diseases of the bone or cartilage; diseases of the soft tissue; congenital malformations, deformations, chromosome anomalies, or pathology of support and movement apparatus caused by a trauma. Schools (special classes) for children with psychological disorders admit children with organic psychological disorders (organic asthenia, mild disorders of cognitive functions, post-trauma brain-damage syndrome); affective disorders (depression); neurotic, stress-related and somatoform disorders (anxiety disorders, severe stress reactions and accommodation problems, other neurotic disorders); disorders of physiological functions (eating disorders); disorders of psychological development (asperger syndrome); behavioural and emotional life disorders (hyperkinetic disorders, mixed behavioural and emotional disorders, emotional disorders characteristic of a child) or epilepsy.

317. Schools (special classes) for speech impaired children admit pupils with normal hearing and no primary damage of intellectual ability who have alalia or aphasia; rhinolalia in a degree which causes secondary underspeech; dysarthria; stuttering which hinders attending an ordinary school; mild hearing decline which causes secondary underspeech or defects of written speech;

dysgraphia and dyslexia. Schools (special classes) for hearing-impaired children admit pupils with hearing impairments in the central speech area (at a frequency of 500-4,000 Hz) 50-100 db and with impairment-related underspeech which hinders studying at an ordinary school; pupils who have gone deaf at pre-school age or school age and whose speech is partly or fully preserved but whose hearing impairment hinders their studying at an ordinary school; deaf pupils; pupils with sensory alalia or with a combined impairment (hearing impairment is accompanied by mental retardation).

318. Schools (special classes) for vision-impaired children admit pupils with a visual acuity of the better seeing eye of 0-0.05 (blind); with a visual acuity of the better seeing eye with correction of 0.05-0.3; with a central scotoma and concentric narrowing of the visual field of up to 30° or damage of visual functions which requires use of special teaching methodology. Adjustment classes admit pupils with specific studying disorders; mixed specific development disorders; specific development disorders of motor functions; pervasive development disorders; hyperkinetic disorders; mild organic psychological disorders or severe emotional and communication disorders.

319. Support schools (support classes) admit pupils with mild mental retardation or mild mental retardation with pervasive development disorders.

320. Coping schools (coping classes) admit pupils with moderate mental retardation or moderate mental retardation with pervasive development disorders.

321. Care schools (care classes) admit pupils with severe or deep mental retardation, or severe or deep mental retardation with pervasive development disorders.

322. Pupils with combined disabilities are referred to a special school (special class) which to the best extent possible promotes their development, or a separate class is formed. Classes for pupils with combined disabilities admit pupils who are blind and deaf; who have a hearing impairment with accompanying mental retardation; who have a vision impairment with accompanying mental retardation, or who have a physical impairment with accompanying mental retardation.

323. Minister of Social Affairs regulation No. 41 of 27 May 1999 "Approving the conditions and procedure for granting applications for postponement of fulfilment of the obligation to attend school" establishes the conditions for postponing the fulfilment of the obligation to attend school based on the state of health of a child. Obligatory attendance school may be postponed for the following reasons: acute illness, the becoming acute of a chronic disease, or a severe trauma which has required long-term treatment (exceeding six weeks) in the year before entering school; development disorders of speech and language (based on an examination by a speech therapist); neurotic disorders; mixed specific development disorders; pervasive development disorders; hyperkinetic disorders; mixed behavioural and emotional disorders; communication disorders or neurotic disorders. Obligatory attendance at school is postponed only if during that period the parent will provide the necessary environment for the child's development and rehabilitation and the possibility of continuing pre-school education until entering school.

324. The Health Care Organization Act lays down the legal status of health care institutions and the bases of financing the health-care system. The function of health care is to protect and strengthen people's health, prevent and successfully diagnose and treat diseases, disabilities, injuries and poisonings. Medical care is defined as activities of doctors with higher medical education for the protection of human health, prolongation of the length of life and improvement of the quality of life. Doctors may practise medicine only in accordance with their particular professional qualification. Everyone is entitled to receive an overview examination of his or her state of health by a doctor.

325. The Social Welfare Act provides for payment of social benefits and provision of social welfare services to a person or family in order to prevent, remove or alleviate the person's or family's coping problems. Persons whose monthly income is below the subsistence level established by the Government based on the minimum consumption expenditure are entitled to subsistence benefits. Local authorities are required to provide housing to a person or family who are unable to provide it for themselves or their families, and if necessary create the possibility for them to rent a communal flat or to use a shelter.

D. Standard of living (art. 27, paras. 1-3)

326. "The fundamental principles of child and family policy" have been drawn up and put to public debate. The principles fix the priorities that have to be followed when drafting legislation and taking economic policy and budgetary decisions. They also fix the levels for the implementation of child and family policy, pointing out first of all the possibilities and duties of the State. After the approval of the principles, a concrete programme of action arising from them will be prepared. The general aim of the State child and family policy is to guarantee the well-being of families with children, at least on the average level of the State, but concrete indicators are yet to be worked out. In Estonia, there is no officially established standard of living; for assessing the people's standard of living, such indicators as estimated subsistence minimum, poverty line, coping line are used.

327. The subsistence minimum is the minimum means that a person needs to maintain or restore his or her ability to work. The subsistence minimum is based on the consumption of a statistically average person, to cover basic needs (food, clothing, housing) and a minimum of other expenses. The methodology for the calculation of the subsistence minimum was prepared by a working group formed as a result of trilateral negotiations (government, employers, trade unions) and was approved by an agreement between the above three parties. Since the second half of 1997, the subsistence minimum is calculated on a quarterly basis by the Statistical Office. The cost of living comprises two parts: (i) minimum food basket with a calorific value of 2,400 kilocalories per day (24 hours) (where the quantities of foodstuffs have been multiplied by their average prices in the period reviewed), (ii) primary manufactured goods and services, including housing; the calculation of their cost is based on the actual monthly expenses of one member of a statistically average family according to household surveys for that period, the cost has been adjusted by a coefficient worked out by the expert group. As about 50 per cent of the subsistence minimum is made up of the cost of foodstuffs, the prices of which have even partly dropped recently, the estimated subsistence minimum of one person per 30 days has been in the range 1,100-1,200 kroons in the years 1997-1999 ($1 = ca. 16 kroons). Pensions and benefits are not directly connected with the subsistence minimum.

328. Estonian scientists have drawn up an indicator called the poverty line, which was also included in the 1999 Estonian human development report. The 1997 poverty line (1,250 kroons) was recalculated based on the rise in the cost of living reflected in the change in the consumer price index. Accordingly, the poverty line was 1,330 kroons in 1998 and 1,360 kroons for six months of 1999.

329. The coping line is based on minimum consumption costs and is the level established by the Government for the payment of subsistence benefits. The estimated coping line is 500 kroons per adult person living alone or per first member of a multiple-member family, and 400 kroons (coefficient 0.8) for every other member of the family regardless of their age. This is an amount of money which remains to a person after the person has paid for housing expenses to the extent of normative housing space. In 1994, when subsistence benefits were paid for the first time, the limit was 280 kroons and, on the recommendation of the OECD, a lower coefficient was used for children under 14 years - coefficient 0.5 (140 kroons) - and 0.7 (196 kroons) for children over 14 years and for other family members. As expenses for children are high and the coping line is low, already since 1 July 1994 the consumption coefficients of children and other family members have been equalized, which means a relatively higher valuation of children.

330. Regular overview of the economic situation of families and changes in it can be obtained from household surveys conducted by the Statistical Office.

331. Subsequent to the World Summit for Social Development, held in Copenhagen in 1995, a project "Preparation of national strategy for alleviating poverty in Estonia" was carried out with financing from UNDP. The project was aimed at drawing up a basic document for poverty alleviation strategy in Estonia. During the implementation of the project, the above-mentioned poverty line was established on the basis of Estonia's socio-economic situation. The poverty line, in turn, was used as a basis for finding out the extent and structure of poverty, pointing out risk groups and development lines, assessing the effectiveness of the existing social political system and working out targets for drawing up a concrete action plan for alleviating poverty. The basic document was completed in the first half of 1999.

332. Surveys have indicated that at greatest risk of poverty are families with children and no working members, single parent families with several children and families with many (three or more) children even if the parents work. Also, at risk are so-called ordinary families where one parent works and the other is at home and they have two or more children. The risk of poverty is the highest when two changes take place simultaneously - the number of working members in a household decreases and one more child comes to the family. Compared to an average family, the risk of poverty rises 2.2 times in this case. The following table shows the percentage of poor households (net income per member of household is below the poverty line) in different types of household.

Table 31

Percentage of poor households in different types of household

All families	31
Families with 1 child	28
Families with 2 children	30
Families with 3 children	39
Families with 4 children	54
Families with child(ren) having no working member(s)	85
2 children, 2 adults of whom one is not working	54
3 or more children, 2 working adults	35
Single parent who is working	46

Source: Ministry of Social Affairs.

333. In a poor household, most of the income is used for food and, as a rule, there is no widespread under-nourishment in poor families although the food of many children is not sufficiently varied (the cost is close to the minimum food basket but benefits are provided in the form of school meals). The average expenditure on food is below the cost of the minimum food basket in families of non-working parents with children. In general, the difference of expenditure on food in rich and poor families is the smallest (less than two times) as compared to differences in other expenditure. Expenditure on clothing, education, transport and the like is several times smaller in the case of children with non-working parents or children with a single working parent compared to other children of their age - as a result, primary social needs of children in those families are not met. Many families with children buy their clothes at second-hand clothing shops; at the beginning of the 1990s they received clothing also as humanitarian aid.

334. The State supports families with children financially from the State budget by the payment of family benefits, disabled child allowances (before 2000 disabled child pensions), survivor's pensions, subsistence benefits to low-income families, and other similar benefits. The current system of benefits has been operative and has been improved throughout the last 10 years.

335. According to the Family Benefits Act (RT I 1997, 42, 676) (until 2000 the Child Benefits Act), families with children are entitled to State family benefits in partial compensation of expenses related to the care, rearing and education of a child. Support for all children, including compensation of price rises, was begun in 1990. The child benefits system in its present form, with a few exceptions, has been effective since 1992. Family benefits are financed from the State budget through the national social insurance system. The payment of family benefits does not depend on the family's income. If the child's parents do not maintain the child, the allowance is paid to a step-parent or foster-parent. Child benefits are paid until a child attains 16 years of age or if, the child continues studying, 19 years of age. Although expenses for a child grow along with the child's age, benefits are paid according to the principle that as a child grows the possibilities for both parents to be employed increase.

336. With the latest amendment to the law that entered into force on 1 January 2000, the following State benefits are available to families:

One-time childbirth allowance (3,750 kroons for the first child, 3,000 kroons for every other child);

Monthly child allowance (150 kroons for the first child, 225 for the second and 300 for the third or any further child);

Monthly single parent's child allowance (300 kroons), if there is no entry for the father in the child's birth record or if the entry was made on the basis of a statement by the mother;

Monthly conscript's child allowance (750 kroons) for a child whose father has been conscripted to serve in the defence forces;

Foster care allowance for a child who is deprived of parental care, who is under guardianship or has been taken into a family for care (300 kroons per month; in addition the local authorities will pay the costs of the child's maintenance);

One-time child's school allowance at the beginning of the school year (450 kroons);

Start in independent life allowance for an orphan or a child without parental care who has lived in a children's home (5,000 kroons);

Childcare allowance for families with children up to 3 years old (600 kroons monthly for every child up to 3 years old) (previously a maintenance allowance only to a parent who took leave to care for a child or to a non-working parent), if there are children between 3 and 8 years of age in the same family, an additional 300 kroons monthly are paid for each child in that age range.

337. The State recognizes raising an infant as work and pays social tax for the parent receiving a childcare allowance, except for a working parent. Hence, the parent has medical insurance and the time spent raising the child is included in the length of service used for the pension calculation.

338. Over time, the amounts of child benefits have risen and several new types of benefits have been added. In the 1990s (especially in 1994, 1998 and 2000), the benefits to families who are most at risk have grown most. A significant rise can be noted in the case of the childcare allowance, the single parent allowance, the allowance for a third child or further children, the childbirth allowance and the conscript's child allowance. The increase has been smaller in the case of the first (one) child allowance.

339. Child benefits are essentially aimed at less financially secure families, although no income is taken into account when granting a benefit. Although the basic amount of child benefits, the amount of the allowance for the first child, is not big - approximately $10 - a person may receive several allowances per child (other than the childbirth allowance and the child allowance).

340. In 1998, according to two types of benefits, an average of 284 kroons was paid per child (inclusive of a parent's maintenance support). If there are two children under 3 years of age and one child between 3 and 8 in a family, as from 1 January 2000 a parent receives 1.2 minimum wages, tax exempt, as a childcare allowance (the minimum wage from 1 January 2000 is 1,400 kroons, tax exempt income is 800 kroons a month) and the family receives a total of 2,175 kroons a month from the State in the form of family benefits. This is a bit less than the estimated subsistence minimum for two persons and covers the average monthly expenses of 1.1 persons. Based on the expenses for food of an average family, the benefit covers monthly food expenses for 3.5 persons. For 20 per cent of families with children in the lowest income group, the child allowance makes up about 20 per cent of their income.

341. In 1994, child benefit payments amounted to 585 million kroons, in 1999 the sum was 1,146 million and in the budget for 2000 appropriations of 1,338 million have been made for this purpose. During the same time (6-year period), the number of children has dropped by 10 per cent. Family benefits made up 4.7 per cent of the budget for 2000 (together with the budget for compulsory pension insurance and medical insurance). In 1999, child benefits made up 1.5 per cent of GDP.

342. Purpose-oriented allocations are made from the State budget to support funds in rural municipality and county budgets. In 1999, 40 million kroons of these allocations were earmarked for transport support to pupils at municipal schools, 30 million for additional school allowances (mainly for school meals) and 10 million for pupils attending art and music schools. Allocations from the State budget were also made through the Estonian Regional Foundation under the Ministry of Internal Affairs for regional programmes aimed at children, families, elderly people, disabled people - in 1999 the amount of allocations was 19 million kroons and will be 23.3 million according to the budget in 2000.

343. Various State social benefits are paid to low-income families and families with special needs; the largest of these benefits is the subsistence benefit. Subsistence benefits are granted and paid on a monthly basis by rural municipality or city governments from the funds earmarked for this purpose in the State budget in accordance with the conditions established by the Government. Persons (families) residing in the territory of Estonia whose monthly income is less than the minimum coping line established by the Government are entitled to subsistence benefits. Application for and the granting of subsistence benefits is based on the monthly income of family members that remains after deduction of expenses for the normative housing space. After the payment of housing expenses, a three-member family should have 1,300 kroons left for other expenses. If they have less or if they are unable to pay for the housing either, the difference will be paid by the State.

344. About 70,000 to 80,000 families have received subsistence benefits for a period of one month, several months, or all 12 months a year (11-13 per cent of all families), while about 1.5 to 2 per cent of families have received the subsistence benefit throughout the year. Although social benefits are intended to provide short-term extraordinary assistance to people who have dropped below the poverty line, there are some families who receive the benefits on a regular basis. An average 560 kroons a month were paid in 1999 to a family receiving a benefit. Of recipients of benefits for persons below the minimum coping line, families with a child (children) make up more than half. Among them the number of families with three or more children is twice the national average and the number of single parent families is also significantly higher. In connection with the rise in pensions, the proportion of pensioners among benefit recipients has dropped while the proportion of families with children has risen.

345. Benefits are paid on the same basis everywhere, but due to differences in wage and unemployment levels the average amount of a benefit per person per year varies considerably from county to county (in 1999 in Võrumaa 465, in Tallinn 203 and on average in the country 212 kroons). The differences are even bigger between single rural municipalities and cities. Social benefits are strongly aimed at poorer areas and in rural areas first of all at families with many children (where there are more such families) and in cities at unemployed persons.

346. Part of the funds allocated from the State budget for subsistence benefits can be paid outside the minimum coping line as single benefits to less financially secure people and families and people with special needs. In 1999, 59,000 families (10 per cent of all families) received this additional benefit and the proportion of families with children is higher in the case of this benefit. Most of the money has been used for partial payment of school meals and purchase of study materials.

347. In addition, one-time State benefits are paid to persons in specific target groups or risk groups and to less financially secure families (reduced transport costs for disabled people, including disabled children, telephone allowances for families with specific social needs having four or more minor children, etc.). Local authorities also support families with children from their budgets by subsidizing school meals and childcare. On the State level, the providing of direct or indirect support to low-income families started in 1994. In recent years, 335-425 million kroons a year have been spent for this purpose. Social benefits made up 1.1 per cent of the budget for 2000.

348. Supporting families has helped to ensure that the rise of income of low-income families or families who have no income at all besides benefits and allowances, is at the same level as the rise of income of other families. The ratio of households in the 20 per cent highest income group to those in the 20 per cent lowest income group has declined from 7.8 times in 1994 to 5.4 times in 1998. Poverty has decreased somewhat. If in 1996, 36 per cent lived below the above-defined poverty line (using the coefficient 0.8 beginning from the second family member) where some households have difficulties in meeting their physiological needs and others in meeting their social and cultural needs, in 1999, 24 per cent of households lived below that line (respectively 38 per cent and 30 per cent of people).

349. The most comprehensive overview of the housing conditions of families is provided by the 1994 survey "Housing conditions in Estonia". The survey reveals clearly that families with more children live in more stringent conditions than families with fewer children. The data also reveal the small flexibility of the housing market. Older families would rather like to have smaller and cheaper housing and young families with children would like to have more space.

Table 32

Housing conditions in different household types
(Percentage share in the group specified)

Type of family	Floor area of dwelling per family member	Need for larger floor area	Need for smaller floor area	Difficulties with payment	Need for other kind of dwelling
2 adults and 2 children	18.0	80.2	3	21.3	48.9
2 adults and 1 child	21.1	60.4	5.9	22.6	45.5
1 adult and 1 child	22.8	58.3	6.2	41.6	44.4
1 adult	60.3	45.6	18.8	24.7	39.1
1 pensioner	66.9	16.7	48.5	31.9	21.9
Average	32.3	54.5	15.2	24.7	36.1

Source: Survey "Housing conditions in Estonia" 1994.

350. A comparison of different family types reveals that an increase in the number of children does not result in an increase of housing expenses in a family. It is also revealed that the number of rooms per dwelling does not significantly depend on the number of members per household. This indicates, on the one hand, the smaller payment ability of larger families and, on the other hand, the small flexibility of the housing market. When a household has children, it does not improve its living conditions but, on the contrary, opts not to improve its living conditions (apparently due to redistribution of expenses). It may be assumed that although the majority of families are able to cover their current housing expenses they are unable to invest in improving their housing situation (renovate, buy new housing, etc.) and bring it into line with the actual needs of the family. Poorer families (first and foremost families in the first and second income deciles) are unable to pay for their current housing expenses (permanently unemployed, families with many children) and need housing support, communal housing, etc. Only a maximum 15 to 20 per cent of the population may be considered as solvent. These are families in the two last income deciles (ninth income decile, where the net monthly income per family member was 3,233 kroons in 1999, and tenth income decile, where it was 5,850 kroons). Presumably, only these families are able to bear full economic responsibility for their housing and are able to make the necessary investments to improve the condition of their housing.

351. In 2000, a housing loan for young families was introduced. A family or single parent raising at least one child under 7 years old is eligible to apply for the loan. The self-financing requirement is lower for this loan - 10 to 20 per cent depending on the location and on whether or not the housing is in a new building. In the case of an ordinary housing loan, the

self-financing requirement is at least 34 per cent. The State also guarantees part of the loan. The maximum amount of the loan is 1 million kroons, which can be borrowed for up to 20 and in some cases for up to 30 years. According to the estimates of banks, the State is able to guarantee loans on these conditions to 1,200 young families a year. It is also important to emphasize that there are huge regional disparities in the housing market.

352. The following problems can be mentioned:

The decline of the economy after the regaining of independence resulted in the decline of employment and rapid decline in people's well-being;

A small gross national product per inhabitant, which in 1993 was US$ 1,067 in 1997 US$ 3,079 (Estonian Human Development Report, 1999). The gross domestic product per inhabitant based on purchasing power parity was US$ 3,842 in 1994, US$ 5,240 in 1997 (OECD). The scarcity of resources to support families who cannot cope themselves;

Low wages. Therefore not even all working parents are able to create sufficient conditions for the development of their children;

The low minimum wage (1,400 kroons in 2000) and in some regions the low average wage create a situation where people with passive income (social benefits) can achieve the same standard of living as people with active income (wage);

Unemployment, which began to emerge in 1991, has now grown to 10 per cent. The problem especially is unemployment of young people and unemployment in rural areas, as well as long-term unemployment (in 1995, 30 per cent had been unemployed for more than a year, in 1998 it was 45 per cent of all the unemployed). Unemployment is the biggest risk factor that forces families to fall into poverty because the unemployment benefit is small (400 kroons) and until now there is no unemployment insurance;

Families who have lost hope of alleviating their poverty and returning to active life;

Housing problems - the poor condition of housing; the income of most families is too low to enable them to obtain a loan to renovate, purchase or build housing; there is a high proportion of self-financing to obtain a loan.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education and aims of education (arts. 28, 29)

1. Pre-school education

353. A rural municipality or city government creates for all children in its administrative territory the possibility of attending a childcare institution in the catchment area of the child's place of residence. Parents are free to choose a childcare institution if there are vacancies at the

institution that they wish their child to attend. The task of the rural municipality or city government and the State as a whole is to take all necessary measures to guarantee the right of working parents to care and pre-school education for their child.

354. From 1 July 2002, a rural municipality or city government is required to guarantee all children living in its administrative territory the possibility of attending a kindergarten or nursery located within its jurisdiction. The cost of meals provided to the child is covered by the parents. Other expenses are covered from the rural municipality or city budget and partly by parents, according to a decision of a rural municipality of city council. The part to be covered by parents may not exceed 20 per cent of the officially established wage minimum and may differ according to the child's age, the administration costs of a childcare institution or other circumstances.

355. A pre-school-childcare institution provides care and teaching (acquiring of pre-school education) to children younger than school age. The definition of education, including pre-school education, is established by the Education Act. The Child Protection Act establishes the freedom to study, principles of instruction and requirements for the preparation of teachers for children with disabilities. The Pre-School Childcare Institutions Act establishes the definitions relating to pre-school childcare institutions; types of institutions; number of children in groups; founding, operating and merging of childcare institutions and the procedure for terminating their activities; organization of teaching and care; requirements for the administration and staff; financing; accounting and supervision. The Private Schools Act (RT I 1998, 57, 859; 1999, 51, 550) establishes the procedure for founding, operating and terminating the activities of privately owned pre-school childcare institutions. In terms of administration, pre-school childcare institutions are divided into municipal and privately owned institutions.

356. The function of childcare institutions is, by considering a child's age, sex, individual needs and character, to:

Create possibilities and conditions for shaping a harmonious person who is socially sensitive, mentally agile, self-confident, considerate to other people's needs, and environmentally aware;

Maintain and strengthen a child's health and promote his or her emotional, moral, social, mental and physical development.

357. The following types of childcare institutions exist:

Nurseries for children up to 3 years;

Kindergartens for children up to 7 years;

Special kindergartens for children up to 7 years with problems.

358. A basic school may be integrated with a kindergarten (kindergarten-basic school with joint administration). The number of children registered in a group is as follows:

In a nursery group up to 14 children;

In a kindergarten group up to 20 children;

In a combined group up to 18 children.

359. The number of children in a special group is as follows:

In a group of children with a physical disability, up to 12 children;

In an adjustment group attended by children with speech disorders or specific development disorders, up to 12 children;

In a development group attended by children with mental retardation, up to 7 children;

In a group for children, with mind disorders up to 10 children;

In a group for children with combined disabilities, up to 4 children.

360. In an adjustment group (where children with disabilities attend together with other children) the maximum number of children, based on the number of children with disabilities and the degree of their disability, is three children fewer than in other groups at a childcare institution per one child with a disability.

361. A childcare institution is established by a city or rural municipality government upon a decision of a local government council and on the basis of a schooling licence issued by the Minister of Education. The following is necessary for establishing and operating a childcare institution:

Teachers who meet the qualification requirements for childcare institutions established by the regulation of the Minister of Education;

Rooms (buildings) and land suitable for the development and play of children which are in conformity with the health protection requirements established by the regulation of the Minister of Social Affairs and fire safety and rescue area requirements established by legislation;

A curriculum which conforms with the framework curriculum for pre-school education established by the regulation of the Government.

362. According to the Education Act, pre-school education is a set of knowledge, skills, experience and behaviour, which creates the preconditions for successful advancement in daily life and at school.

363. The organization of teaching and care at pre-school childcare institutions is based on the curriculum for childcare institutions which corresponds to the framework curriculum for pre-school education approved by the regulation of the Government. The framework curriculum for pre-school education sets down:

Goals of teaching and care;

Principles of organization of teaching and care;

Content, extent and time of teaching and care;

Principles for assessing a child's development;

Expected results of a child upon completion of the curriculum;

Principles, content and extent of teaching of Estonian in a childcare institution or group where teaching and care is provided in another language.

364. The curriculum of a childcare institution is approved by the director (principal) on the proposal of the educational council, considering also the opinion of the board of trustees. A childcare institution has an activity plan and a timetable which are drawn up in the light of the framework curriculum for pre-school education and the cultural peculiarities and folk traditions of the region where the childcare institution is located. The activity plan and timetable of a childcare institution are approved by the director.

365. Administration of teaching and care at a childcare institution is the responsibility of the director of the institution. The teachers create conditions for the growth and development of children following the principle of mutual respect and understanding in cooperation with the children and their parents.

366. The staff are not allowed to disclose information received from a child concerning his or her family but if it is found that a child's environment at home is inadequate or if a child has become a victim of physical, emotional or sexual mistreatment, the staff are obliged to inform the officials of the rural municipality or city government dealing with social services or issues of child protection.

367. The framework curriculum for pre-school education stipulates that children need many-sided development in order to be able to transfer to the next level of education. The framework curriculum assists parents in raising and developing a child at home. Upon the wish of parents whose children do not attend a pre-school childcare institution, teachers at such institutions are required to advise them on issues of teaching and raising a child.

368. The content of teaching and care is set out according to five subject areas:

Language and speech;

Mathematics;

Art;

Music;

Movement.

At childcare institutions where teaching and care is not provided in Estonian, a sixth subject area is added - the Estonian language, the learning of which starts at ages 5 to 6.

369. Teaching and care is provided in groups and according to a daily timetable which sets the daily rhythm of activities (eating, getting dressed, washing, tidying up the room, etc.) and sleeping time. The timetable also sets out the activities of teaching and care planned by the kindergarten teacher. The teaching and care is linked into an integrated whole through topics addressing the child's life and environment (according to the regional studies principle), one of which is the child's rights. For the introduction of this new topic to children, material has been prepared to assist teachers in childcare institutions, so that they may feel more confident in presenting such a difficult topic to small children.

370. Activities are planned on how a child can make choices. This teaches a child to act independently, correct his or her actions and be responsible for the results of his or her actions. The timetable for children aged 6 to 7 includes activities to promote a child's smooth adjustment to school life. Attention is paid to developing psychological processes, perception, memory, imagination, reasoning and to basic skills for learning, like observing, listening, comparing, ranking, counting, measuring, grouping and modelling.

371. A kindergarten teacher is free to choose the methodology for teaching. During their professional training, they become familiar with major learning theories and models. The majority of teachers at childcare institutions have higher education (15 per cent) or secondary vocational education (75 per cent). Ten per cent of teachers have secondary education. There is a problem of aging of teachers, because only a few young teachers are entering the profession.

372. The percentage of children attending pre-school childcare institutions is indicated in the table below.

Table 33

Enrolment ratio in pre-school institutions

Age	1997	1997	1997	1998	1998	1998
	Children	Children in pre-school institutions	Enrolment ratio, %	Children	Children in pre-school institutions	Enrolment ratio, %
0	13 121			12 474		
1	13 268	1 058	8.0	13 099	1 227	9.4
2	13 804	5 453	39.5	13 241	5 887	44.5
1+2	27 072	6 511	24.1	26 340	7 114	27.0
3	14 729	9 096	61.8	13 781	8 935	64.8
4	17 221	11 537	67.0	14 713	10 562	71.8
5	18 061	12 489	69.1	17 179	12 313	71.7
6	20 687	14 245	68.9	18 021	13 022	72.3
1-6	97 770	53 878	55.1	90 034	51 946	57.7
7	22 256	3 049	13.7	20 653	3 061	14.8
8	22 652	74	0.3	22 211	62	0.3
9	22 857	11	0.0	22 598	5	0.0
10	22 053	1	0.0	22 801	2	0.0
11	21 982	7	0.0	21 990	1	0.0

Age	1999	1999	1999	2000	2000	2000
	Children	Children in pre-school institutions	Enrolment ratio, %	Children	Children in pre-school institutions	Enrolment ratio, %
0	12 075			12 339		
1	12 449	1 178	9.5	12 073	1 298	10.8
2	13 104	6 049	46.2	12 441	5 803	46.6
1+2	25 553	7 227	28.3	24 514	7 101	29.0
3	13 232	8 804	66.5	13 102	8 845	67.5
4	13 752	9 800	71.3	13 233	9 813	74.2
5	14 708	11 035	75.0	13 748	10 483	76.3
6	17 162	12 714	74.1	14 710	11 261	76.6
1-6	84 407	49 580	58.7	79 307	47 503	59.9
7	17 996	2 849	15.8	17 164	2 832	16.5
8	20 630	36	0.2	17 988	23	0.1
9	22 179		0.0	20 603	2	0.0
10	22 564	1	0.0	22 160	1	0.0
11	22 773		0.0	22 546	1	0.0

Source: Estonian Statistical Office, 2000.

2. Basic education

373. In addition to the Pre-School Childcare Institutions Act, organization of education is also regulated by the Education Act, the Basic and Upper Secondary Schools Act, the Private Schools Act, the Vocational Schools Act (RT I 1998, 64/65, 1007; 1999, 10, 150; 51, 550) and the Hobby Schools Act (RT I 1995, 58, 1004). The Basic and Upper Secondary Schools Act establishes the legal status and organization of work of general education schools and establishes the rights of children at school.

374. Acquiring of basic education is compulsory and free of charge. Local authorities maintain a sufficient number of schools for fulfilment of the obligation to attend school. Local authorities provide every child in the school's catchment area with a place at the school. Parents are free to choose a school for their child, if there are vacancies at that school. The State covers the expenses for teachers' salaries and the cost of buying textbooks.

375. The requirements for basic education (standards of basic education) are established by the national curriculum for basic and secondary education approved by the Government. The curriculum sets out the aims of instruction, study time, the proportion of the national curriculum in relation to the school's own curriculum, the list of compulsory subjects with their duration and course outlines, as well as possibilities and conditions for choosing subjects, the requirements for study periods and requirements to be fulfilled for graduating.

376. The present legislation on primary and secondary education has been developed with the aim of reaching every child already before he or she enters school but definitely at school, due consideration being given to a child's development needs and abilities. A school is required to provide every child in its catchment area who is subject to attend school with studying possibilities.

377. The number of pupils in general education schools was 215,557 in autumn 1998 and 215,841 in autumn 1999. One third of pupils at general education schools attend schools where the language of instruction is a language other than Estonian. Compared to previous school years, the number of pupils in Estonian-language schools has remained stable and the number of pupils in Russian-language schools has declined. In connection with a decline in births, the number of pupils as a whole has begun to drop and as a result schools with a small number of pupils in rural areas are being closed down.

Table 34

Day schools by type

	Primary schools	Basic schools	Secondary schools and gymnasiums	Schools for handicapped children	Total
1997	182	268	232	48	730
1998	177	268	231	46	722
1999	169	256	236	45	706

Table 35

Pupils in day schools

	1997	1998	1999
In grade 1	20 859	18 505	17 120
1-4	84 949	82 083	77 085
5-9	94 393	97 830	100 784
10-12	32 722	32 027	32 288
In schools for handicapped children	5 429	5 637	5 684
Total	217 501	217 577	215 841

Source: Ministry of Education.

Table 36

Pupils aged 8-14* in day basic schools and gymnasiums

Academic year	Number of children	Number of pupils	Percentage of pupils	Difference between pupils and children	Child is not enrolled
1993/94	154 895	149 750	96.7	5 145	3.3
1994/95	154 890	150 043	96.9	4 847	3.1
1995/96	155 491	150 489	96.8	5 002	3.2
1996/97	155 696	151 211	97.1	4 485	2.9
1997/98	155 978	151 754	97.3	4 224	2.7
1998/99	154 947	150 858	97.4	4 089	2.6
1999/00**	150 271	147 391	98.1	2 880	1.9

Source: Ministry of Education.

* Pupils aged 8-14 are obliged to attend school.
** Provisional data.

378. The Basic and Upper Secondary Schools Act stipulates that the compulsory minimum education is basic education, i.e. attending years I-IX at a general education school. The age limit for acquiring basic education is 7-17 years. By law, all children who have reached the age of 7 by 1 October of the current year, who are not yet 17 years old and have not completed their basic education are obliged to attend school.

379. The aim of basic education is to develop pupils' knowledge, skills and abilities, in order to form persons who are capable of coping in society and who are able and motivated to continue studying at the secondary education level. Basic education can also be acquired on the basis of a simplified curriculum, depending on a child's specific needs and abilities. Children with severe and moderate mental disorders are taught and developed according to the national curriculum for

coping schools. Acquiring of basic education is compulsory and free of charge. The obligation to attend school may also be fulfilled by studying at home; the relevant procedure has been established by the Minister of Education (home study on the wish of parents, home study due to health or staying at hospital).

380. There are several problems with regard to the obligation to attend school. More than 5,000 children do not fulfil their daily obligation to attend school. The number of children repeating a year at school is high and it increases the age range of pupils attending the same class. Assessing the present situation, it must be noted that the following children may fail to attend schools at present:

Children who have not attended school at all because schools are not aware of their existence;

Children who have attended a school but have dropped out or been expelled and do not attend any other school;

Children whose parents are mobile and who should transfer from one school to another but, because of the lack of supervision it is not known whether they actually do so.

3. Teaching of children with special needs

381. Since 1992 there have been significant positive changes in Estonian education policy. The inclusion of the majority of children in the education system is now guaranteed. The national curriculum for basic education and general secondary education that has been in effect since 1997 establishes as the underlying principle that every child must have the possibility of receiving education in accordance with his or her abilities. Arising from this principle, the Minister of Education has established a curriculum for simplified study and a curriculum for coping. In general, it is possible to acquire compulsory basic education at three different levels. Thus, the present situation is, that no pupil is released from the obligation to attend school owing to his or her disability or insufficient ability; every child has the right to receive education at his or her place of residence regardless of the child's particularities.

382. In all counties and cities, counselling committees of experts have been formed whose task is to establish a curriculum or form of study suited to a child with disabilities and to refer such children with the consent of a parent (guardian) to a sanatorium-school, special school or class for children with disabilities, and, on the application of a parent, to decide upon postponement of the obligation to attend school. A parent of a child who has attained 7 years of age may request that a counselling committee postpone the obligation to attend school by one year. The conditions and procedure for granting this request have been established by a regulation of the Minister of Social Affairs. A new provision gives a rural municipality or city government the right to form separate classes at school for children with teaching problems in years seven to nine if necessary. The procedure and conditions for forming such classes have been established by a regulation of the Minister of Education.

383. Public schools and municipal schools have been created for pupils with special needs. If a local government is unable to guarantee teaching of children with special needs, it is possible for a counselling committee of experts to refer a child to a public school. Children are referred to all these schools (classes) with the decision of a counselling committee and with the consent of a parent (guardian). The existing network of private schools is being reorganized in accordance with current legislation. New coping and care schools (classes) have been created where children with moderate and severe mental disabilities are taught according to the coping curriculum.

384. There is the biggest number of special schools for pupils with mental disabilities (18 public schools and 8 municipal schools). 1.8 per cent of the total number of pupils in basic schools attend these schools. Since 1993 there is an increasing tendency to joint teaching, i.e. integrating of children with special needs to ordinary schools. This poses a new challenge - for continuous integrating of special teaching.

Table 37

Pupils with special needs in general day schools

	Support teaching in ordinary school	Ordinary class in ordinary school	Total in ordinary schools	Total in special schools	Total
Mental learning difficulties	2 730	905	3 635	842	4 477
Children with mental disorders	189	249	438	2 281	2 719
Children with severe mental disorders	33	111	144	438	582
Children with moderate mental disorders				84	84
Deaf children				106	106
Children with auditory disabilities	31	19	50	104	154
Children with visual disabilities	130	15	145	75	220
Children with physical disabilities	105	8	113	84	197
Children with speech disabilities	12 185		12 185	201	12 386
Children with psychical/ mental disabilities	108		108	151	259
Children with physical and mental disabilities		10	10		10
Deaf-blind				5	5
Children with auditory and mental disabilities				8	8
Total	15 511	1 317	16 828	4 379	21 207

Source: Ministry of Education.

385. Extended day groups offer pupils support and supervision in finding activities for leisure and doing school homework, and provides guidance to pupils in their hobbies. Such groups admit pupils from throughout the basic school. To improve children's studying and living conditions, local authorities have the right and obligation to create boarding schools.

386. Boys and girls have equal access to education. The rights of pupils are guaranteed by law. The Basic and Upper Secondary Schools Act establishes the right to use free of charge the school's buildings, rooms, library, studying, sporting technical or other facilities for extracurricular activities. Pupils also have the right to participate through their representative in solving problems of school life, to receive information from the school regarding the organization of education and the rights and duties of pupils, as well as primary information about studying possibilities. During the time when a pupil is at school, the school guarantees the protection of the pupil's health, which presumes that the general part of a school's curriculum contains also the timetable of instruction and the aims of education.

387. The main function of the general education school is to help develop a person who can cope with his or her life and work, who develops him or herself and helps to promote the development of the society, who defines him or herself as a member of the nation, as a citizen and as a person sharing responsibility for the future of Europe and the world, who:

Respects home and family;

Respects him or herself and other people, respects the culture of the nation and other peoples' culture;

Loves his or her homeland;

Observes the legal norms and the principles of democracy;

Proceeds from general human moral conceptions and appreciates beauty and goodness;

Appreciates a healthy lifestyle and develops his or her mind and body;

Preserves nature and lives and acts in an environmentally sustainable manner;

Thinks critically, creatively and logically;

Is able to target, plan and assess his or her activity;

Is able to gather and use information;

Understands the necessity for work, and is able to work and ready to cooperate;

Understands the importance of knowledge and continuous education, and is able to learn.

4. Vocational education

388. According to the Vocational Schools Act, vocational schools can be either public or municipal schools. Secondary vocational education is a set of requirements prescribed by national vocational, speciality and professional curricula. Secondary vocational education is acquired on the basis of basic education or general secondary education. Completion of secondary vocational education creates the preconditions and entitlement for starting to work in the area of the skill or in the speciality or profession acquired or to continue studying to acquire higher education.

389. Vocational educational institutions admit people with basic or secondary education. Children without basic education cannot study at a secondary educational institution. Children with mental disabilities who have acquired basic education following a simplified curriculum are entitled to study at vocational educational institutions. Teaching of children with disabilities takes place as a rule in an ordinary study group, if necessary on the basis of an individual curriculum. Most educational institutions are not adjusted for people with physical disabilities. Teachers need additional training and there is a need for assistant teachers and for study appliances.

390. Attendance at a vocational educational institution is free of charge. Students also have the right to use free of charge the school's rooms, library and sporting, technical and other facilities for extracurricular activities, in accordance with the rules established by the school.

391. Article 14 of the Vocational Schools Act grants pupils the right to continue studies that they started in one school by transferring to another school to study the same skill, speciality or profession, if there are vacancies. Vocational educational institutions offer the possibility of acquiring secondary vocational education or higher vocational education.

392. Article 17 of the Vocational School Act regulates in more detail the issues of apprenticeship during studies. The law regulates relations between the school and State or local government body, public or private law legal persons or self-employed persons in organizing pupils' apprenticeship through a contract to be concluded between them. Jobs created for apprenticeship, including in a training workshop and training enterprise, must meet the conditions required by the curriculum. During the time of apprenticeship pupils are protected by the provisions of labour safety legislation.

393. During the school year 1997/98, there were 90 vocational educational institutions in Estonia with a total of 31,316 pupils, of whom 18,563 were acquiring second-level secondary education and 12,753 secondary vocational or technical education. There were 28,774 pupils at 74 public educational institutions, 357 pupils at 4 municipal educational institutions and 2,185 pupils at 12 private schools (data for 1998 on vocational schools published by the Ministry of Education and Vocational Education and the Employment Monitoring Centre).

394. In the school year 1999/2000, there are a total of 34,412 pupils and students acquiring vocational education, secondary vocational, special secondary or higher vocational education,

of whom 18,010 pupils are acquiring vocational education on the basis of basic education, 13,055 pupils are acquiring secondary vocational education and 3,165 students vocational higher education on the basis of secondary education.

395. According to article 12 of the Vocational Schools Act, vocational education councils consisting of representatives of the Government, associations of employers and employees are established to coordinate the needs of society and the labour market. The task of these councils is to approve vocational standards and coordinate curricula in accordance with the vocational standards. Vocational councils are mostly comprised of representatives of employers from professional associations.

B. Leisure, recreation and cultural activities (art. 31)

396. The organization of physical training and sports activities comes under the responsibility of the Ministry of Culture, according to the Government of the Republic Act. According to article 3 of the Sports Act (RT I 1998, 61, 982), sport is organized by State and local government bodies and sports organizations with the aim of promoting physical and mental fitness and a sportive lifestyle for the whole population, as well as young people's self-realization through sport.

397. The functions of sports organizations in promoting sport are established by the Estonian Sports Charter. The Charter, adopted with amendments at the IV Estonian Sports Congress in Viljandi on 4 April 1998, stipulates in clause 1.5 that the aim of physical education in the curriculum (basic sports education) is to provide the growing generation, together with school sport and health education, with the necessary skills, knowledge and abilities to maintain good physical form and continue to engage in sport throughout their life. In all schools there should be at least three physical education classes per week.

398. Clause 1.6 of the Charter stipulates the following. amateur fitness sport offers to everyone the possibility of undertaking physical activity - from small children to elderly people, women and men, people with disabilities and people needing movement therapy. Estonian sports organizations will actively participate in the worldwide movement "Sport for all" by developing and supporting sport outdoors and at home, by organizing sports events and developing all forms of sport in the workplace (company sport).

399. Clause 1.7 of the same Charter defines the aim of competitive sport: competitive sport serves the interests of self-realization and development of a person and is promoted among all people wishing to participate in it. The main axis of the worldwide competitive system is competition between sports clubs. Estonia will develop top sport by trying to compete worthily in the international arena, including at the Olympic Games, will create for top athletes the possibility of engaging in such competition and will promote the growth of young athletes. It is acceptable to cultivate professional sport. According to the Charter, everyone who wishes must have a possibility to receive instruction in sports and every sports instructor must have a professional qualification. To provide sports instruction and guidance, a person must have the necessary qualification which guarantees the safety and health of the people instructed and the efficiency of the learning process.

400. Article 6 of the Sports Act provides for the organization of sport by the State; the Ministry of Education is required to organize physical education at schools, train sports specialists and promote the science of sport. Creating favourable conditions for fitness and competitive sport of disabled people (including children and youth) and solving other social problems related to the sports movement is the task of the Ministry of Social Affairs. Keeping a register of sports schools is the task of the Ministry of Culture.

401. According to the Sports Act, local government bodies are required to guarantee the conditions at municipal schools for holding physical education classes and promote the practise of sport at schools, sports schools and children's summer camps. Advisory physical education and sports councils are formed by county governments. Sports programmes of national importance are supported from the State budget, including fitness programmes, youth sport programmes, top competitive sport programmes and training programmes. The law also entitles rural municipality, city sports schools or sports schools run by natural persons in private law to receive support from the State budget.

402. The budget of the Ministry of Culture contains chapter 63 "Youth sport", for which 26 million kroons have been allocated in the budget for 2000 (27.5 million in 1999, including 1.5 million from the government reserve fund). These funds are intended for supporting master-level youth sport at sports clubs and sports schools, on the assumption that it is the task of local government bodies to involve children in sports and finance basic education in sports.

403. State subsidies to master-level youth sport are granted to sports associations in the light of their outreach and top-level sports results in the youth and junior age groups. A sports association, as the highest authority for the respective sport, establishes, with the decision of its managing board, the criteria according to which State subsidies are redistributed to sports clubs and sports schools under its administration for successful results in youth sports. Beginning from 1 September 2000, all subsidies from the State budget will be allocated through sports associations.

404. Two national statistical surveys (established in 1993) cover children's sport and youth sport: "Sports school" and "Sports clubs". According to the documents regulating the operation of sports schools, no students older than 21 years may be enrolled in those schools. The statistics on sports clubs refer to participants, including women and young people under 18 years.

Table 38

Sports schools

Year	Schools	Groups	Girls	Boys	Total	Coaches
1995	56	1 602	7 237	13 892	21 129	774
1996	57	1 670	7 117	14 104	21 221	775
1997	58	1 614	7 214	13 400	20 614	768
1998	57	1 628	7 100	13 251	20 351	759
1999	56	1 573	7 043	13 127	20 170	736

Table 39

Participation of children under 18 in sport clubs

	1995	1996	1997	1998
Number of children	14 549	26 100	30 490	29 897

Source: Ministry of Culture.

405. It should be noted that the statistical surveys cover approximately 70 per cent of sports clubs entered in the register of non-profit associations and foundations. The reasons for this are problems due to re-registration (by spring 1999 non-profit associations had to re-register) the low public appreciation of compulsory national statistical surveys and relatively mild supervision of compliance with the requirement to provide statistical data.

406. With regard to the more popular sports, in 1998 there were an average of 4 basketball players, 4 football (soccer) players, 4 track and field athletes and 3 gymnasts per 1,000 inhabitants in Estonia.

407. There are traditional leisure activities oriented to children and youth but children's own contribution to their existence is relatively small.

Museums

408. In 1996 there were 131 museums and their affiliated branches, with 5 million items in Estonia.

Libraries

409. In 1996 there were 1,288 libraries in Estonia, among them 560 school libraries (43 per cent), with 5.9 million volumes. School libraries accounted for 21 per cent of borrowers and 11 per cent of library stocks. In addition, there are 10 children's libraries out of 580 general-use libraries; 6 university libraries (with 55,200 readers, 2,064,600 loans and a useable stock of 5,981,700 volumes) and 14 libraries of higher educational institutions (with 8,500 readers, 166,400 loans and a useable stock of 641,300 volumes) out of 125 professional and scientific libraries.

Amateur performance collectives and hobby groups

410. In 1996, the number of amateur performance collectives rose by 9.4 per cent and the number of members by 15.4 per cent compared to 1995. In the period under review, the number of hobby groups decreased by 9 (2,871 in 1995, 2,862 in 1996), and participation in them by 5.2 per cent (47,978 in 1995, 45,810 in 1996). At the same time, the proportion of children participating rose by 3.6 per cent (72.8 per cent in 1995, 76.4 per cent in 1996). The average participation in amateur performance collectives in 1996 in Estonia was 86 participants

per 1,000 inhabitants, among them 63 children. With respect to hobby groups, the respective indicators were 31 participants per 1,000 inhabitants, among them 24 children. Possibilities for the participation for children are very different from county to county.

Publications

411. The number of books and magazines published has constantly increased: in 1985 - 1,976 publications (17.4 million copies); in 1995 - 2,635 publications (7.9 million copies); in 1996 - 2,628 titles (6.7 million copies). At the same time, the number of copies per inhabitant has dropped from 11.3 in 1985 to 4.5 in 1996. The number of children's books has been constantly growing (though the annual number of copies has remained stable in recent years): 109 publications in 1985 (4.3 million copies), 178 in 1995 (1.0 million copies), 186 in 1996 (0.8 million copies). Of 191 periodicals with wide readership in 1996, children's and youth publications, comic strips and picture magazines made up 10.5 per cent (20 different publications), and accounted for 10 per cent of the annual number of copies (1,269,300 - 314,000 copies fewer than in 1995).

Radio programmes

412. Children's programmes on public service radio made up 1.9 per cent, on private radio 0.8 per cent and on other types of radio 0.1 per cent of total air time in 1996.

Television programmes

413. In 1996 children's programmes made up 6 per cent, sports programmes 9 per cent, theatre 1 per cent and music 6 per cent of the total television programming.

414. The Estonian national cultural policy action plan, which forms a supplement to the fundamental principles of Estonian national cultural policy approved by resolution of the Riigikogu on 16 September 1998 (RT I 1998, 81, 1353), contains the following activities aimed at children:

Renovation of the National Puppet Theatre;

Guaranteeing the purchase of distribution rights and the distribution of quality films, including children's films, in Estonia;

The national system of libraries, including scientific, public, school and other libraries is an integral part of the Estonian national information infrastructure;

In addition to the curricula of general education schools, basic instruction in arts is guaranteed through the national network of art and music schools or art classes; by creating equal possibilities in all regions for obtaining special education in the arts, the State recognizes the cultural mission of these schools and partially bears the cost of tuition at art and music schools in counties.

Table 40

Financial support of the Ministry of Culture for children's cultural activities

	1999	2000
Art and theatre	5 485 947	6 078 000
Children's publications	420 000	560 000
Music	-	103 000

Source: Ministry of Culture.

415. One thousand two hundred people attend higher educational institutions specializing in art. There are 82 children's art and music schools, plus musical specializations in 52 general and 10 private schools.

416. In all areas under its administration, the Ministry of Culture gives due consideration to activities for children. A prize for the best children's performance is awarded by the Theatre Association and, in cooperation with Narva city, a project for language teaching in kindergartens through the use of Estonian animation films has been launched (bilingual "Tom and Fluffy").

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

417. Estonia has acceded to the 1951 Convention relating to the Status of Refugees, which entered into force for Estonia on 9 July 1997, and the 1967 Protocol Relating to the Status of Refugees, which entered into force for Estonia on 10 April 1997.

418. The Refugees Act (RT I 1997, 6, 26; 1999, 18, 301) entered into force on 9 July 1997. It regulates the legal status of asylum-seekers and refugees and the basis for their stay in Estonia, proceeding from the Convention and the Protocol relating to the Status of Refugees.

419. In accordance with the procedure established by the Refugees Act, on the basis of an application of a refugee, asylum may be granted to the refugee's spouse and minor children if they conform to the definition of refugee set out in the Convention and the Protocol (Refugee Act, art. 5).

420. An applicant and refugee are guaranteed the rights and freedoms arising from Estonian legislation and generally recognized norms of international law and international custom (Refugees Act, § 7).

421. An asylum-seeker has the right to receive information in a language which he or she understands; to be in contact with the Office of the United Nations High Commissioner for Refugees; to have a representative during the processing of his or her application for asylum; to receive a written reasoned decision concerning refusal to grant asylum; and to have recourse to the courts if his or her rights and freedoms are violated.

422. According to the Refugees Act, the initial interview for ascertaining the reasons for applying for asylum is conducted by the Citizenship and Migration Board.

423. On behalf of a foreigner who submits an application for asylum in Estonia, the necessary procedures are conducted by officials of the Citizenship and Migration Board. If an application for asylum has been submitted at a border checkpoint of the Republic of Estonia, the preliminary procedures are conducted by officials of the Border Guard Board.

424. An asylum-seeker who is a minor will be interviewed in the presence of his or her caregiver or other duly authorized person. The processing of applications for asylum for minors will be completed as quickly as possible.

425. The application on behalf of an asylum-seeker who is a minor is submitted by his or her parent or guardian. If a minor does not have a parent or guardian, a court will appoint a guardian on the proposal of the reception centre. There is as yet no relevant practice for this procedure in Estonia. Probably the head of the reception centre or an official of the social services department will be appointed as the guardian of a minor asylum-seeker who is without one. A minor asylum-seeker without a parent or guardian is housed in the reception centre in rooms specially adapted for this purpose.

426. After the initial interview and the submission of the required application to the Citizenship and Migration Board, an asylum-seeker is admitted to the reception centre for asylum-seekers. The reception centre for asylum-seekers at Illuka was completed in April 2000 and it currently houses 10 asylum-seekers. There are no children among them.

427. Applications for asylum are reviewed and the decision on granting asylum is made by the Citizenship and Migration Board.

428. An alien who has been granted asylum will leave the reception centre. The reception of refugees is organized by the local government, which provides assistance to refugees in finding housing and employment, obtaining social and health-care services, arranging for translation and Estonian language instruction, obtaining information concerning their rights and duties, and obtaining training and cultural services.

429. A refugee and his or her child are entitled to State benefits during their stay in Estonia: child allowance, labour market services and unemployment benefit, social benefits and other assistance on the same grounds as a permanent resident of Estonia.

430. The Government will grant a refugee and his or her spouse and minor child a temporary residence permit for a term of up to two years. A refugee may be granted a permanent residence

431. Due to Estonia's late accession to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, there are some unsolved practical issues regarding asylum-seekers, including organization of the reception of children. The necessary implementing legislation (appointing the responsible government agencies; statutes of the reception centre, etc.) is in the process of being adopted.

432. In solving problems of refugees, Estonia cooperates with the Office of the United Nations High Commissioner for Refugees. At the beginning of 2000 there were no minor asylum-seekers or refugees in Estonia. In practice, Estonian officials have had no contact with refugees who are children. In legislation, the issues of minor asylum-seekers have been solved.

2. Children in armed conflicts; psychological and physical recovery and social reintegration of children (arts. 38, 39)

433. Estonia has acceded to the following humanitarian law conventions:

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949;

Geneva Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea of 12 August 1949;

Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949;

Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

Additional Protocol I of 8 June 1977 relating to the Protection of Victims in International Armed Conflicts;

Additional Protocol II of 8 June 1977 relating to the Protection of Victims in Non-International Armed Conflicts.

434. Estonia has signed the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993.

435. According to the Estonian Defence Forces Service Act (RT I 2000, 28, 167), male citizens having attained 18 years of age are required to register as conscripts; citizens aged 19 to 27 are drafted to serve in the defence forces.

436. According to article 19 of the Weapons Act (RT I 1995, 62, 1056), weapons with unlimited civil circulation and their ammunition can be freely acquired, owned and possessed by Estonian citizens who are at least 16 years of age. Weapons with unlimited civil circulation are weapons for the acquisition of which no permit is needed, like gas spray or airguns with a calibre of 4.5 millimetres.

437. An Estonian citizen who is at least 18 years of age has the right to acquire and own a weapon with limited civil circulation, except a pistol and revolver classified as firearms. Weapons with limited circulation are military weapons, service weapons and certain types of civil weapons.

438. An Estonian citizen who is at least 21 years of age or has completed active service in the defence forces has the right to acquire and own any weapon with limited civil circulation in accordance with the procedure and conditions prescribed by the law.

B. Children in conflict with the law

Administration of juvenile justice (art. 40), children deprived of their liberty in any institution of confinement or in imprisonment (art. 37) and social reintegration of children (art. 39)

439. Article 20 of the Constitution stipulates that no one shall be deprived of his or her liberty except in the cases and pursuant to the procedure provided by law. One such case is the establishment of educational supervision over a minor or the bringing of a minor before a competent State body for a decision on establishing such supervision. Estonia has also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Convention came into force in 1996.

440. Article 10 of the Criminal Code establishes that a person who has attained 15 years of age prior to committing an offence is subject to criminal liability. As an exception, a person who committed an offence between the ages of 13 and 15 is subject to criminal liability in certain cases set out in articles of the Criminal Code, for instance: articles 100 (murder), 101 (aggravated murder), 107 (intentional causing of extremely severe bodily injury), 108 (intentional causing of serious bodily injury), 113-115 (acts of violence against persons, torture, rape), 139 (secret theft), 140-142 (public theft, robbery, extortion).

441. If a court finds that a person who committed an offence prior to attaining 15 years of age can be influenced without imposing criminal punishment, the court may apply means of influencing set out in the Criminal Code.

442. Article 11 of the Code of Criminal Procedure establishes the following. Everyone who is deprived of liberty on the basis of this Code will be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty, and of his or her rights. A person is given an opportunity to notify at least one person of his or her choice close to him or her of his or her detention through a preliminary investigator, prosecutor or the court, if such notification does not damage the criminal proceedings. A person suspected of a criminal offence is also promptly given an opportunity to choose and confer with counsel.

443. According to the Code of Criminal Procedure, the participation of criminal defence counsel in criminal proceedings is mandatory in criminal matters relating to minors, until the minors attain the age of majority (art. 38).

444. A teacher or psychologist will participate in the interrogation of an accused person who is under 15 years of age. The teacher or psychologist has the right to ask questions of the accused through a preliminary investigator, to examine the minutes of the interrogation and to submit comments concerning the minutes. The teacher or psychologist will also sign the minutes of the interrogation (art. 126).

445. The materials of a file are communicated to an accused person who is a minor in accordance with the procedure set out in section 169 of the Code of Criminal Procedure. If the file contains materials which are inappropriate for minors, a preliminary investigator will communicate such materials to the criminal defence counsel or the legal representative of the accused minor without the presence of the accused; a notation thereof will be made in the minutes.

446. Article 133 provides for the questioning of a witness who is a minor. A witness who is under 15 years of age is questioned with the participation of a teacher or a psychologist and, if necessary, in the presence of the parents or other legal representatives of the witness. There is a separate questioning room for minors to make them feel at ease. Witnesses who are under 15 years of age are not warned against criminal liability for refusal to give testimony and for knowingly giving false testimony; however, the obligation to give truthful testimony is explained to such witnesses.

447. Upon the prosecution of an accused minor the judge will appoint a criminal probation officer for the minor (Code of Criminal Procedure, art. 192). In criminal matters regarding minors, the parents or other legal representatives of the accused on trial are summoned to the court session. They have the right to submit petitions of challenge, evidence and applications and to participate in the examination of evidence by the court. Such rights are explained to them after the opening of a court session. If necessary, a court may hear the legal representatives of the accused at trial who are minors, as witnesses. The legal representatives of accused persons on trial who are minors are present in the courtroom for the entire duration of the court hearing. As an exception, if the participation in a court session of a legal representative of the accused minor on trial who is a minor may damage the interests of the accused minor, the court may, by a ruling, either remove the legal representative from the courtroom or restrict his or her participation in the court hearing. The failure to appear of a legal representative of the accused minor will not hinder the court hearing of a criminal matter unless the court deems the participation of the legal representative necessary (art. 193).

448. If a minor is accused of committing an offence together with an adult, the minor's case must be separated for individual adjudication unless this would hinder the correct and full investigation of the criminal matter (Code of Criminal Procedure, art. 118).

449. Article 5 of the Appellation and Cassation Procedure Code establishes that an accused person, his or her defence or legal representative, an injured party and his or her representative have the right to appeal the decision of the first instance court to the circuit court.

450. The Code of Criminal Procedure has been amended with a new chapter 26 providing for the granting of permission for placement of a minor in a young offenders' institution, for extension of the term of his or her stay in a young offenders' institution or for his or her early

release from a young offenders' institution. The above permission is granted by a judge. In order to obtain permission for the placement of a minor in a young offenders' institution or for the extension of the term of his or her stay in a young offenders' institution, a juvenile committee submits a reasoned application to the court. Permission for the early release of a minor from a young offenders' institution is granted on the basis of a request by the head of the institution or a parent or other legal representative of the minor, after the opinion of the representative of a juvenile committee has been heard.

451. The Means of Influencing Minors Act entered into force on 1 September 1998, but the committees on county and local government level were formed in the following year, in 1999, when funds from the State budget were allocated for this purpose.

452. The law regulates the liability of minors who have committed an act punishable according to the Criminal Code and who have reached the age of criminal liability, but minors can also be influenced without criminal conviction or the application of criminal liability. According to the same principle, minors who have committed an administrative offence are liable. The draft also foresees the possibility of reacting in cases when a minor evades the obligation to attend school, or consumes alcoholic beverages or narcotic or psychotropic substances.

453. The group targeted by the law are minors aged 7-18 (except persons who have acquired full active capacity earlier by entering into marriage).

454. A juvenile committee may apply the following means of influencing minors:

A warning;

Special school arrangements;

Referral for a consultation with a psychologist, an expert in narcology, a social worker or other specialist;

Conciliation;

The obligation to live with a parent, guardian, foster parent or at a children's home;

Community service;

A surety;

Participation in youth programmes, social programmes or medical treatment programmes;

Referral to a young offenders' institution; a court's permission is needed to apply this means of influencing.

455. Means of influencing are applied taking into consideration a minor's personality, the severity of an offence and the effectiveness of earlier means of influencing imposed on the offender. A juvenile committee applying means of influencing is established in a county upon an order from the county elder. Local authoritie re entitled to form local government committees.

456. A juvenile committee comprises representatives of the police and representatives of the county or local government educational, social and health-care departments. The members of the committee are appointed by the county elder, mayor or head of a city district, or rural municipality elder.

457. An offence committed by a minor is discussed by the committee within 30 days of the submission of a request. At the end of the discussion (or within three days of the meeting) a reasoned decision is made and the decision enters into force after the term for making an appeal has elapsed. The decision can be appealed pursuant to the procedure set out in the Code of Administrative Court Procedure (Means of Influencing Minors Act, art. 26).

458. The committee does not make decisions regarding deprivation of the liberty of a young offender. Decisions it takes regarding a young offender are enforced in accordance with the legislation. The Committee develops a system of social means of influencing young offenders which guarantees feedback on the effectiveness of the decisions.

459. A discussion for the application of a means of influencing may be initiated by:

A minor's legal representative;

An official of the juvenile police or a constable;

A representative of a school on the authorization of the school director;

A child protection official;

An official of a social services department;

A judge;

An investigator;

A prosecutor;

Environmental supervision officials (Means of Influencing Minors Act, art. 14).

460. In the case of an act with the characteristics of an offence or an administrative offence, the request is normally (but not only) submitted by the juvenile police officer who registers the offence - if the minor's age was the reason for not starting criminal proceedings or administrative proceedings.

461. The meeting of a juvenile committee is prepared by the juvenile committee secretary and the chairman. Discussion of the matter may be postponed if the minor and his or her representative fail to appear at the meeting.

462. The secretary of a juvenile committee will establish the reason for failure to appear and take measures - sending a new summons by registered mail and explaining the necessity of appearing at the meeting. The juvenile committee may also decide to enforce the compulsory attendance of a minor.

463. The meeting is chaired by the chairman of the juvenile committee and at the meeting materials gathered on the case are reviewed and statements by the minor and his or her representative, and also statements by witnesses and the victim, if there are any, are heard. The discussion is always conducted in a closed meeting (to protect the minor's interests).

464. It is important that the minor does not appear alone at the meeting. If his or her legal representative cannot or is not willing to appear at the meeting, a representative is appointed for the minor for the time of the meeting who will protect the minor's interests.

465. With the decision of a juvenile committee, either:

The matter is closed and no means of influencing is applied;

Discussion of the matter is adjourned (if persons whose participation is necessary fail to appear at the meeting);

A means of influencing is applied.

466. According to the Means of Influencing Minors Act, the following implementing legislation has been prepared and approved:

(a) By regulation of the Government of the Republic:

(i) Basic statute of juvenile committees (RT I 1998, 85, 1391);

(ii) List of socially useful works (RT I 1998, 75, 1237);

(b) By regulation of the Minister of Social Affairs:

Procedure for bail (RTL 1998, 250, 1037);

Procedure for implementation of the obligation for a minor to live with a parent, foster parent or guardian or at a children's home (RTL 1998, 250, 1037);

Procedure for conciliation (RTL 1998, 250, 1037);

Procedure for participation in social programmes or in treatment (RTL 1998, 250, 1037);

Procedure for applying socially useful work (RTL 1998, 250, 1037);

(c) By regulation of the Minister of Education:

Procedure for referral for consultation by a juvenile committee (RTL 1998, 277, 1157);

Procedure for placement of a minor in a young offenders' institution (RTL 1998, 277, 1157);

Procedure for participation in youth programmes (RTL 1998, 277, 1157);

An example of a basic statute of a young offenders' institution (RTL 1998, 316/317, 1291).

467. The main task of a juvenile committee is to coordinate the work with minors in its administrative territory, to organize the life of juvenile offenders by applying means of influencing them, to reduce the lack of supervision of minors and factors contributing to crime, through cooperation with social, educational and police workers and non-governmental organizations.

468. On the basis of the Means of Influencing Minors Act, 15 county juvenile committees and 19 local government juvenile committees were formed in 1999.

469. In 1999, approximately 1,400 discussions were conducted and experience was gained at both county and local government levels in applying different means of influencing. Compulsory attendance was enforced in 85 cases out of the 1,400 to guarantee presence of a minor at a meeting of a juvenile committee.

470. There were more young male offenders (72 per cent of the total) than female offenders (22 per cent of the total).

471. Requests to the committees were most often submitted by representatives of schools (648 cases), police officers (398 cases) and social services officials (65 cases).

472. The most often used means of influencing are warnings (37 per cent), followed by special school arrangements (21 per cent), referral for consultation to a specialist (18 per cent), placement in a young offenders' institution (6 per cent), referral to youth or social programmes (5 per cent), community service (5 per cent), obligation to live with a parent (4 per cent), conciliation (1 per cent). Surety has not been used so far.

473. In 1999, juvenile committees provided support in the amount of approximately 2 million kroons to 156 youth projects in counties, involving about 10,500 young people in crime-preventing activities. Juvenile committees have conducted 56 training sessions to provide their cooperation partners with necessary skills and experience.

474. In spring 2000, county juvenile committees prepared a plan until 2004 to develop a network of persons and institutions to carry out crime-prevention activities in counties, and consequently to be more successful in preventing offences by young people.

475. In 1999, 1,532 minors were convicted by Estonian courts - 17.4 per cent of all convicted persons. (In 1998, 1,502 minors were convicted - 18.2 per cent of the total.)

476. By type of crime, the convictions were as follows:

Secret theft - 993 (64.8 per cent);

Public theft - 176 (11.5 per cent);

Hooliganism - 120 (7.8 per cent);

Robbery - 25 (1.6 per cent);

Stealing a vehicle - 56 (3.7 per cent);

Intentional causing of extremely severe bodily injury - 8 (0.5 per cent);

Rape - 9 (0.6 per cent);

Intentional aggravated murder - 8 (0.5 per cent);

Intentional murder - 1 (0.1 per cent);

Other crimes - 136 (8.9 per cent).

477. The offence was committed under the influence of alcohol or drugs by 361 convicted minors (23.6 per cent) (in 1998, 372 or 24.8 per cent).

478. The offence was committed as a member of a group by 1,161 minors (75.8 per cent) (in 1997, 1,178 or 78.4 per cent), including in a group with adults 423 minors (27.6 per cent) (in 1998, 457 or 30.4 per cent).

479. Among convicted minors there were 121 girls (7.8 per cent) (in 1998, 141 or 9.3 per cent).

480. Of all convicted young offenders, 379 (24.7 per cent) did not study or work at the time of committing the offence (in 1998, 382 or 25.4 per cent).

481. By citizenship, the distribution of young offenders was as follows:

Estonian - 1,042 (68.0 per cent);

Russian - 52 (3.4 per cent);

Other - 6 (0.4 per cent);

Stateless - 432 (28.2 per cent).

482. Among the juvenile convicts 229 had a previous record of judicial punishment and 55 had previously committed an offence but had been released from criminal liability.

Table 41

Number of definitively sentenced juveniles

Type of imposed penalty	1977	Percentage of the total number of convicts	1998	Percentage of the total number of convicts	1999	Percentage of the total number of convicts
	Persons		Persons		Persons	
Suspended imprisonment	1 134	68	998	66.4	1 048	68.4
Imprisonment	269	16.1	272	18.1	256	16.7
Fine	204	12.2	208	13.8	168	10.9
Arrest	35	2.1	16	1.0	35	2.3
Relieved from punishment	25	1.5	17	1.1	25	1.6
Other penalties	1	0.1	-	-	-	-

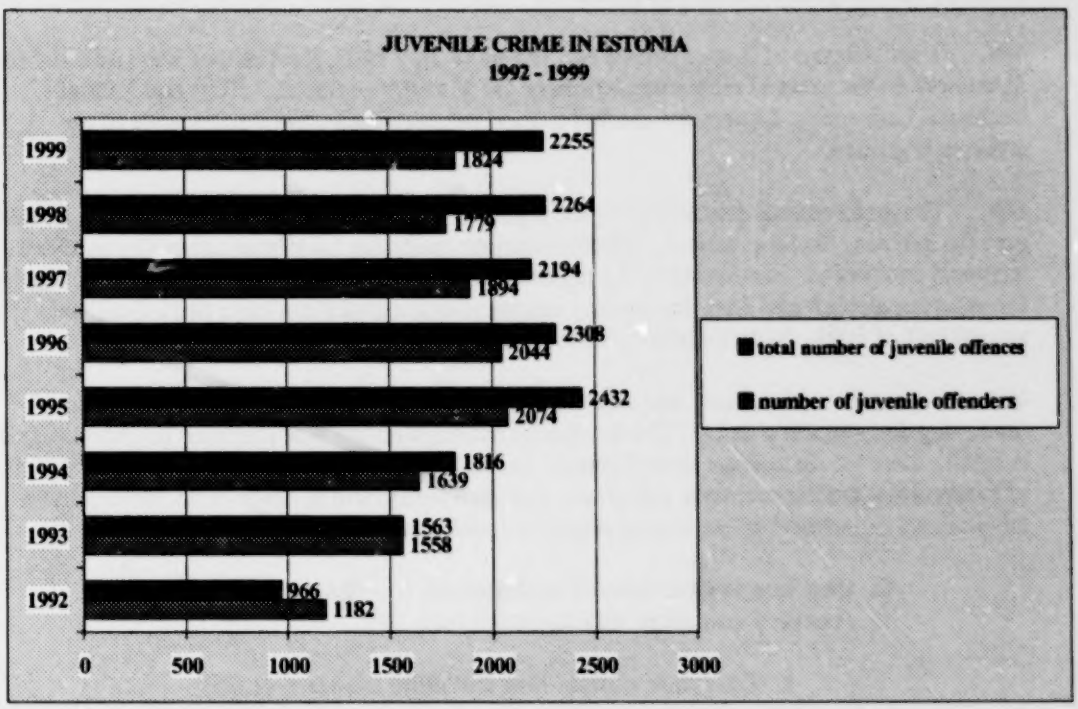
Source: Ministry of Justice, 1999.

483. The most used means of influencing is the imposition of a conditional imprisonment. The proportion of this type of punishment in 1999 increased by 5 per cent compared to the data for 1998. The next in frequency is actual imprisonment, which, compared to the 1998 data, decreased by 5.8 per cent in 1999. Such a change in the penal practice of courts can be explained by a rise in the credibility of the criminal parole system.

484. Since 1992, juvenile crime was rising constantly until 1996, when it stabilized at a high level. In 1999, minors committed every twentieth offence (in 1996 every fifteenth). An offence is regarded as having been committed by juveniles (aged under 18) after it has been cleared up. In 1999 out of offences that had been cleared up every sixth one had been committed by juveniles (in 1996 every fifth one).

Table 42

Juvenile crime in Estonia 1992-1999



Source: Police Board.

485. If detention is used as a restraint with respect to minors during preliminary investigation and court proceedings, they stay in Maardu prison juvenile department. Minors serve their sentence in a juvenile prison. The male juvenile prison is in Viljandi. Girls serve their sentence in a female juvenile prison.

486. According to the Imprisonment Act, the prison medical services are part of the general national health-care service (art. 49). The medical services in the prison are organized by the prison doctor. The prison doctor has to mo itor the state of health of inmates and provide necessary treatment. If necessary, the prison doctor will send the inmate to a medical institution for treatment. There is a hospital in the central prison providing medical services to inmates. To monitor the state of health of the inmates, the prisons have a permanent medical point. The prison medical service is also required to check the food catering for the prisoners. Possibilities for doing sport must be guaranteed in a prison. The inmates are guaranteed the possibility of having a walk outside for at least one hour a day (arts. 52, 53).

487. If necessary, special rooms are furnished for the care of pregnant women and a nursery is organized in prison. A mother and a child up to (and including) 3 years old are allowed to live together on the request of the mother and with the consent of the guardianship or caregiver authority and the prison committee (art. 54).

488. With Minister of Justice decree No. 155 of 18 July 1997, food rations were established for minors on the basis of recommendations of the Ministry of Social Affairs and Tallinn Technical University. Minors are entitled to food rations which meet the demands of the growing organism.

489. The requirements established by the legislation have been observed in organizing health care for inmates. So far practical problems in prison medicine have been caused by outdated technical equipment. In addition to the requirements established by the legislation, a programme for reducing alcohol and drug dependency among young inmates has been carried out since the second half of 1999. Participation in the programme is voluntary.

490. In practice, special care and supervision is guaranteed to epileptics and asthmatics (including daily health checks). The number of minors who are sick and need hospital treatment is small: there are on average three minors a month in the central prison hospital. The incidence of tuberculosis among minors is also small, there is a permanent average of 55 inmates in the tuberculosis department of the central prison hospital, among them one minor, in 1999.

C. Children in situations of exploitation; physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation and child labour (art. 32)

491. No one shall be compelled to perform work or service against his or her free will, except service in the Defence Forces or alternative service, work to prevent the spread of an infectious disease, work in the case of a natural disaster or a catastrophe, and work which a convict must perform on the basis of and pursuant to procedure established by law (Constitution, art. 29).

492. According to article 14 of the Child Protection Act, the child shall be protected from economic exploitation and from performing work which is hazardous, beyond the child's capabilities, harmful to the child's development or may interfere with the child's education.

493. A child who has completed basic education, who does not wish or is unable to continue studying, may be admitted to employment. The admittance to employment of a child without basic education or a child without parental care is decided by employment offices together with the social services departments. Schools are required to inform social services departments of all children who discontinue their basic education.

494. The employment offices are required to keep a register of children who are neither working nor studying and to inform the social services departments of such children. The social services departments are required to assist children who do not study or work in arranging for their education and employment (Child Protection Act, arts. 14, 43, 44).

495. According to the Labour Contracts Act (RT I 1992, 15/16, 241; 1993, 10, 150; 1993, 26, 441; 1995, 14, 170; 16, 228; 1996, 3, 57; 40, 773; 45, 850; 49, 953; 1997, 5/6, 32; 1998, 111, 1829; 1999, 16, 276; 60, 616; 2000, 25, 144), an employee may be a natural person who has attained 18 years of age and who has active legal capacity or limited active legal capacity. By law, a higher age limit may be established for certain categories of employees.

496. In exceptional cases, employees may be minors who are at least 13 years of age. To enter into a labour law relationship, a minor who is 15 years old must have the consent of at least one parent or caregiver, a minor who is between 13 and 15 years of age must in addition have the consent of the labour inspector of their place of residence, on the condition that the work does not endanger the minor's health, morals or acquiring of education and the work is not prohibited for minors by a collective agreement or by law.

497. The labour inspector of the location of a parent, guardian, caregiver or employer of a minor may demand that an employment contract with a minor be terminated if the work endangers the minor's health, morals or acquiring of education.

498. When admitting a minor to employment, no probationary period may be used to ascertain the employee's suitability to perform the work or to ascertain the employee's state of health, abilities, communication skills and professional skills. It is also prohibited to send a minor on a business trip, i.e. send a minor to perform work outside the location of work set out in the labour contract.

499. It is prohibited to hire and employ minors for heavy work, work which poses a health hazard or has dangerous working conditions, underground work, or work which endangers the morality of minors.

500. The general normative working time in Estonia may not exceed 8 hours a day and 40 hours a week. A reduced working time has been established for minors in accordance with article 10 of the Working and Rest Time Act (RT I 1994, 2, 12). The reduced working time may not exceed:

20 hours a week for employees who are 13-14 years of age;

25 hours a week for employees who are 15-16 years of age;

30 hours a week for employees who are 17 years of age.

501. Article 14 of the Working and Rest Time Act prohibits requiring a minor to work overtime and work at night, i.e. work between 10 p.m. and 6 a.m. According to article 12, upon the recording of total working time, the duration of working time of employees who are 13-14 years of age may not exceed five hours per day, the duration of working time of employees who are 15–16 years of age may not exceed six hours per day and the duration of working time of employees who are 17 years of age may not exceed seven hours per day.

502. Minors enjoy equal rights with adults in employment relationships and disputes, and they have benefits prescribed by law, administrative legislation and collective agreements (Labour Contracts Act, art. 12).

503. The procedure for settling labour disputes is established by law. If a minor has concluded a labour contract in violation of the law, then in accordance with article 125 of the Labour Contracts Act, a labour dispute resolution body will declare the labour contract invalid. A labour contract is declared invalid if: both parties were minors; the labour contract was entered into in the capacity of employer by a minor - on the basis of an action by one parent or the guardian of such minor; the labour contract was entered into in the capacity of employee by a minor aged 13-15 without the consent of one parent, a guardian, caregiver or the labour inspector; commencement of employment would endanger the health, morals or education of the minor - on the basis of an action by one parent, guardian or the labour inspector.

504. The Government, by its regulation No. 214 of 22 July 1992, has approved "The list of heavy work, work hazardous to the health or hazardous working conditions and work where employment of minors is prohibited".

505. It is prohibited to employ minors for work for which medical checks prior to employment and regular medical checks during the employment are required; work requiring manual displacement of loads for one third of the working time; work involving inflammable and explosive substances; work requiring contact with dangerous animals; work related to the production, storage, transport and sale of alcoholic beverages; underground work; etc.

506. With government regulation No. 214 of 22 July 1992 "The list of works endangering the morals of minors, where employment of minors is prohibited" was approved. The following works are prohibited: work involving the slaughter or destruction and processing of live animals and birds; work related to exploiting and promoting sex, violence or gambling; work where a minor is in contact with alcohol or narcotic, toxic and psychotropic substances.

507. The list of work minors who are 13-15 years of age are allowed to undertake was approved by government regulation No. 214 of 22 July 1992. Minors who are 13-15 years of age may be employed for the following work: picking berries and fruit; selling small-sized and cheap goods; putting up posters on billboards; working as a messenger; picking herbs; weeding; cleaning vegetables; manual knitting of nets; watering; stamping of objects or manual gluing of labels, etc.

508. Occupational Health and Safety Act (RT I 1999, 60, 616) states that a legal person will bear administrative liability for not observing the restrictions on the employment of minors or disabled persons. A fine of up to 50,000 kroons may be imposed. Supervision of compliance with the requirements of the legislation is exercised by the National Labour Inspectorate (art. 26). The Labour Inspectorate will monitor compliance with provisions of labour law with respect to children. There is no economic exploitation of children or forced child labour in Estonia.

509. Information about the employment of children can only be obtained from labour surveys. Surveys in the first quarter of 1995 and in 1999 indicated that employees aged 16-17 make up 0.2 per cent of the total number of employees. Thus it may be stated on the basis of the surveys that employment of children is at a very low level in Estonia and no exploitation of children has been noted. There are no national statistical data on it.

510. In the first quarter of 2000, the labour inspectorate carried out targeted checks in eight counties on 129 businesses and establishments. First of all, those establishments were checked where use of children as labour could be expected (theatre, television, modelling agencies, film studios, recreational centres and community centres). The checks revealed that no child labour was used in recreational centres and community centres where children participate in the activities of music groups and hobby groups. Child labour was used in theatres (in 56 cases either a labour contract, a role contract or an acting contract was concluded or payment was made on the basis of written notice). Contracts were concluded with a child or a child's parent. The contract stipulated the number of performances and pay per performance. Performances in which children participated took place either during the day or ended before 10 p.m. Children were appointed a tutor for the time of the performance; rest possibilities were created during breaks.

511. In television, child labour is used for recording children's programmes which take place during the day. No labour contracts were concluded; payment was on the basis of written notice.

512. Use of child labour in modelling agencies is not common. In a few instances minors are found to work for foreign modelling agencies. This activity takes place strictly with the written consent of a parent. The working time is two to three hours a day (preparation and photographing of a model). In all cases, working conditions were agreed previously, including pay, and a contract was made with a parent.

513. In 1999, there were five children working in film studios, four of them under 13 years old. Working time limits were observed and payment was on the basis of a contract which had been concluded either with a child or parent.

514. Use of child labour in Estonia poses no problems. In 1999, the labour inspectorate gave its consent for the employment of children 13-15 years of age in 102 cases. In most cases employment was for summer during the school summer vacation.

515. In connection with preparation for the ratification of ILO Conventions No. 182 on the elimination of the worst forms of child labour and No. 138 concerning minimum age for admission to employment, a need for additional surveys on child labour arose. The Ministry of Social Affairs contacted in January 2000 the ILO Director General for technical assistance and to join the IPEC programme. Based on the possibility of fulfilling the conditions of Convention No. 182 in Estonia, the Ministry of Social Affairs requested an expert assessment from the ILO working standards department, which assessed Estonian laws to be fully in compliance with the requirements of the Convention. On 28 January 2000, the trilateral Estonian ILO council decided to propose the ratification of the child labour convention to the Riigikogu.

2. Drug abuse (art. 33)

516. Easy availability of illegal drugs among youth has become a problem. An international survey (the European School Survey Project on Alcohol and Other Drugs (ESPAD)) was carried out in 1995 and 1999 on the consumption of alcohol and drugs among pupils 15-16 years old. According to the surveys, in Estonian schools in 1995, 40 per cent of pupils found that it was easy to obtain drugs. If in 1995 about 8 per cent of pupils had tried some illegal drugs (4.5 per cent of Estonian and 16 per cent of non-Estonian pupils aged 15-16), in 1999 the number of pupils who had tried drugs had grown to 16 per cent (13 per cent of Estonian pupils and 22 per cent of non-Estonian pupils).

517. The proportion of young people who have tried amphetamines (from 0.4 per cent to 6.8 per cent) or cannabis (from 7.2 per cent to 12.7 per cent) has increased most. According to the 1995 data, there were regular uses only among cannabis users, but the data for 1999 show that some pupils have also used heroin, cocaine and stimulants more than 40 times.

518. The proportion of pupils who have tried drugs is the highest in Ida-Virumaa cities (25 per cent) and in Tallinn (23 per cent). In Tallinn, 40 per cent of pupils (908 minors) had friends who smoke marihuana and 33.5 per cent had friends who use amphetamines; 30 per cent of pupils in Tallinn considered cannabis and 25 per cent amphetamines to be easily available.

519. By nationality and sex, the number of pupils who have tried drugs is highest among non-Estonian young men (29 per cent of respondents). Drug use is more widespread among pupils of vocational schools than in basic schools or upper secondary schools.

520. According to the survey of pupils in 1997 and 1998, consumption of addictive substances was on the rise. Among Estonian students, at least 30 per cent had tried drugs in 1997; in 1998 the proportion was already 36 per cent. Among non-Estonians the proportion was respectively 39 per cent and 45 per cent. The number of users among male students rose 5 per cent in one year and among female students 9 per cent. In 1997, 9 per cent of pupils had used drugs more than 10 times, in 1998 already 13 per cent.

521. According to the survey "Estonia 1998", 6.3 per cent of the adult population had tried or used drugs and 0.1 per cent is currently using them. Compared to 1994, the rise is respectively fourfold and fivefold. The most endangered group are young people. Approximately one fifth of 18 to 24-year-old youth have experience of drug use. The average age of drug addicts treated in Estonian psychiatric hospitals is 23 years, which is lower than in European Union countries. It characterizes drug use in Estonia as a new and growing problem. In four years, the number of people coming to treatment for drug-related psychological disorders per 100 thousand inhabitants has grown five times (respectively 16.4 in 1994 and 82.2 in 1998).

522. In 1994-1998, 39 new patients under 15 years of age having psychological and behavioural problems due to use of psychoactive substances (alcohol, drugs, tobacco) were referred to health-care institutions, among them 12 children, in 1998.

523. The consumption of alcohol and smoking starts earlier than the consumption of illegal drugs - almost half of the pupils who drink or smoke started to do so before the age of 12. Answers by pupils indicate that availability of alcohol is not a problem for them. According to the survey "Pupil 95", among pupils 15-16 years of age the following proportions have been drunk more than three times in their life:

Among pupils in the ninth year at school - 30 per cent of boys and 3 per cent of girls;

Among pupils in the tenth year at school - 27 per cent of boys and 9 per cent of girls;

Among vocational school pupils - 37 per cent of boys and 20 per cent of girls.

524. As the surveys indicate, trying "new" substances, i.e. illegal drugs, is not related to poor scholastic performance of pupils as is the case with drinking or smoking. Pupils are urged to try drugs first out of interest and they wish to follow the example of friends. The influence of parents can also be felt: 80 per cent of young people have seen their parents drunk, in 61 per cent of families at least one parent smokes.

525. Of all persons referred for treatment, 89 per cent have used drugs intravenously, among drug addicts younger than 19 years the proportion of intravenous users is 85 per cent. Of intravenous drug addicts, 86 per cent are Russians and 11 per cent Estonians. The average age of drug addicts coming for treatment in 1998-1999 was 22.9 years.

526. On 25 November 1997, the Government of the Republic approved the alcohol and drug prevention programme for 1997-2007. The programme is mostly aimed at reducing the damage from the consumption of alcohol and drugs and developing an alcohol and drug policy which guarantees coordinated preventive activity at the international, national and local levels, based on international conventions, national programmes and other national documents. The sub-goals of the programme are the creation of a national information system for assessing alcohol and drug consumption and the damage arising from it, as well as the provision of better information to the society about the harmful effects of the consumption of alcohol and drugs, improved preventive work with children and youth, more effective treatment for addicts and better availability of treatment, and restraining the rise of alcohol and drug-related legal offences.

527. Within the framework of the programme, in 1998 a database on the treatment of drug dependency was created, recording and accounting of drug-related offences will be brought into line with international requirements, a sociological survey will be carried out among the population on the consumption of alcohol and drugs, and a qualitative survey among drug users. Assessment of the spread of drug use in prisons was started in 1998 with a pilot study in Viljandi juvenile prison. Under the administration of the Ministry of Education, a training course on drugs for teachers of higher educational institutions will be developed. Among special schools, the drug prevention programme will be first launched in Kaagvere special boarding school. The Estonian Drug Prevention Foundation will organize training seminars for teachers, social and health-care workers. One fifth of this year's programme budget will be used for supporting primary referral for treatment of drug users without medical insurance.

528. Inducing minors to consume alcoholic beverages, use narcotic drugs or psychotropic substances or to engage in non-medical use of medicinal products or other narcotic substances results in criminal liability and punishment (Criminal Code, art. 202).

3. Sexual exploitation and sexual abuse (art. 34)

529. An overview of sexual exploitation and abuse (art. 34) was given in chapter V, section I above.

4. Sale, trafficking and abduction (art. 35)

530. The Criminal Code establishes that the sale or purchase of a child is punishable by up to seven years' imprisonment (art. 123^1).

531. Switching or theft of children in revenge or for the purpose of personal gain or for other personal reasons is punishable by up to five years' imprisonment. The same acts, if committed by a group of persons, are punishable by five to eight years' imprisonment (art. 124).

532. In recent years there has been one court case concerning an offence under this article. It resulted in a conviction.

533. Taking or holding a person hostage under a threat to kill, cause bodily injury or continue to hold the person hostage, in order to force a State, international organization, natural or legal person or a group of persons to perform or refrain from performing certain acts as a condition for the release of the hostage, is punishable by up to 10 years' imprisonment. The same acts, if they result in serious consequences or are committed against a child, are punishable by from 8 to 15 years' imprisonment (art. 124^1).

534. Unlawful deprivation of the liberty of a person is punishable by a fine or detention or up to one year's imprisonment. The same act, if it involves the use of violence that threatens life or health, is punishable by a fine or up to five years' imprisonment (art. 124^3).

D. Children belonging to a minority or an indigenous group (art. 30)

535. In the Estonian censuses people of more than 140 nationalities have been registered. In 1999 the total population of Estonia was 1,445,580, among them: 406,049 Russians, 36,659 Ukrainians, 21,363 Belarusians, 13,027 Finns, 2,338 Jews, 3,246 Tartars, 1,250 Germans, 2,658 Latvians, 2,324 Poles, 2,206 Lithuanians, and 11,934 people of other nationalities.

536. Data concerning a person's nationality and language is deemed sensitive data and it is gathered only with the consent of the person concerned. Therefore, the review of the situation is incomplete. Information on language or nationality is necessary for the planning of cultural and education policy. Currently there is practically no information on people's home language or preferred language. The most exact data will be available after the data of the 2000 census have been processed.

537. Several institutions in Estonia protect the interests of ethnic minorities. Since 1992, several governments have included a minister without portfolio for population issues. The main tasks of the minister include issues of population and the integration of ethnic minorities into Estonian society. On 10 February 1998, the Government of the Republic approved a document outlining a strategy regarding "The foundations of the Estonian national integration policy for integrating non-Estonians into Estonian society". The document was debated in the Riigikogu and was passed by it with amendments on 10 June 1998. On 28 December 1999, the Government approved the principles of the national programme "Integration into Estonian society 2000-2007". The national programme is a detailed integration action plan for 2000-2007 both for government agencies and other parties. The national programme is aimed at promoting social unification of society, thereby offering the ethnic minorities possibilities for preserving their language and culture. The national programme approaches integration by proceeding from attitudes of different groups in society and from political, cultural, educational, media-related, economic and regional policy aspects of the topic.

538. The Ministry of Education plays a special role in organizing the education of children belonging to ethnic minorities. The Estonian educational system is based on the Education Act, which establishes the recognition of general humanistic and national values, freedom of person, religion and conscience as a founding principle in education. The national curriculum for basic and secondary education in Estonia approved by the Government appreciates the Estonian national conscience, culture and traditions, as well as claims for national identity and cultivation of national culture of the Estonian State and of other nationalities living in Estonia. The national curriculum also establishes equal possibilities for everyone to acquire education; in the organization of education and the laying down of its content, national, regional, age, sex and individual peculiarities are taken into account.

539. In Russian-language schools some important changes have occurred since the passing of the Education Act in 1992: Estonian programme/subject syllabuses are used, over half of the textbooks in use have been published in Estonia, the upper secondary school level was extended from two to three years, teaching of the Estonian language has been introduced in all schools. Since autumn 1998, in years 1, 4, 7 and 10 of Russian-language schools, transfer to the national curriculum was started. Intensification of Estonian language teaching enables pupils at the upper secondary school level to transfer to instruction in Estonian in most subjects. The aims and scope of teaching in Russian will be fixed in the school's curriculum.

540. The proportion of pupils in Russian-language schools of the total number of pupils has dropped compared to school year 1992/93. This is related to the decrease in the number of Russian-speaking children in general (first due to out-migration; in recent years also to a low birth-rate) and increasing recognition of Ukrainian, Belarusian and languages of other ethnic minorities, due to which the importance of Russian as a home language is also on the decline. In autumn 1999, first-year pupils in Russian-language schools made up a little over 20 per cent of the total number of first-year pupils (in autumn 1990, 40.6 per cent). For pupils of all years at school the proportion was 28 per cent (36.8 per cent in autumn 1990).

541. The national curriculum establishes the scope of tuition in the mother tongue if the mother tongue is the language of instruction. If the mother tongue is not the language of instruction, it is studied as an optional subject, in group work or at Sunday schools. The scope of

Russian instruction at Russian-language schools and the scope of Estonian instruction at Estonian-language schools is the same, according to the national curriculum. Differences may be introduced in a school's curriculum.

542. At basic schools (years 1 to 9), the number of lessons of Estonian per week was previously 14 (accordingly a total of 490 lessons per nine school years), in school year 1996/97 - 27.5 (accordingly, a total of 962.5 lessons per nine school years). The national curriculum leaves it up to schools to decide whether to use 30 to 40 lessons per week for the teaching of Estonian (thus, 1,050 to 1,400 lessons can be used per nine school years). In the first years of Russian-language schools, the subjects where instruction is more frequently in Estonian are physical education, music, art and regional studies; at basic school instruction in Estonian is extended to those parts of geography, history and literature which deal with topics concerning Estonia. In a few schools, mathematics, economics and cultural studies are taught in Estonian. Extension of instruction in Estonian and training of teachers for it has been included at the State's initiative in the development plan and in the description of the status of teachers of the State language.

543. With government order No. 464-k of 11 June 1997 "Approving the main goals of government activities for 1997 and 1998" the status of teachers of the State language was established, with the aim of improving the effectiveness of the learning of Estonian as a second language. Qualified teachers who are ready to extend their activities in Russian-language schools are used as advisers and consultants to school administrations; they organize additional training within their area of competence.

544. The proportion of teachers with higher education is significantly higher in Russian-language schools than in Estonian-language schools, but the number of teachers with special pedagogical training is significantly lower. The number of specialized teachers is the smallest for the teaching of manual skills, music, Estonian and art. 8.9 per cent of teachers have the qualification of senior teacher and teacher-methodologist. Among teachers with higher degrees of qualification the majority are teachers of Russian and mother tongue.

545. In recent years, the number of teachers of Estonian has grown considerably. Based on the scope of syllabuses and the number of classes, the deficit of teachers is still large. Of teachers of Estonian, one third have actually received education in Russian philology and only one fifth have studied Estonian philology. Many teachers have education as a basic schoolteacher or have been trained as teachers of another subject than the one they are currently teaching. 14.7 per cent of teachers of Estonian have acquired higher education outside Estonia. Older teachers are in the majority: teachers 40 years old or older make up half of all teachers. The number of teachers participating in retraining has increased considerably.

546. In years 1 to 4 of Russian-language schools, already since 1994 subject syllabuses of the national curriculum are followed because the writing of relevant textbooks started in 1991. Most of the textbooks are translated or adjusted. There are textbooks for learning Estonian as a second language for all schools years. There are separate Estonian-language textbooks in regional studies.

547. In Estonian-language schools, there are some classes and a few pupils whose home language is not Estonian. This means there is a need for new teaching materials and for special training of teachers, for extension of the time of study or for assistance in study.

548. The general education schools for national and ethnic minorities may be owned by rural municipality governments, city governments, private law legal or natural persons. The curriculum approved by the owner of a private general education school must comply with the national curriculum for basic and general secondary education (or with the simplified curriculum or coping curriculum). The language of instruction is chosen by the school's owner but in basic schools the instruction of Estonian is compulsory within the scope prescribed by the national curriculum, so that a pupil completing this stage of study could continue his or her studies at the next level in Estonian.

549. Wages of teachers of elementary, basic, upper secondary and vocational schools and the cost of the acquisition of teaching materials are covered from the State budget to the extent that is necessary to achieve compliance with the national curriculum and in accordance with the procedure established for State or municipal schools of the same type. A private school may receive purpose-oriented support from the State and local government budgets.

550. Several campaigns promoting international mutual understanding have been financed through the Open Estonia Foundation and the Integration Foundation. In May 1999, the advertising company IO carried out a social advertising campaign, "A lot of nice people", in the media and over the radio. The campaign was aimed at introducing to the public people of different nationalities living in Estonia. This social advertising was continued in February 2000. In addition, a series of programmes have been produced by television channels, including programme "Subboteja" on Kanal 2, programmes produced by the editors of Russian-language programmes of Estonian Television, and others. The public service radio station Radio 4 was founded with the aim of assisting ethnic minorities in Estonia in integrating into the society, familiarizing them with Estonian culture, politics, music, literature, etc.

551. The national programme "Integration into Estonian society, 2000-2007" places the main emphasis on youth and sets the following goals:

Language-communicative integration;

The Estonian education system will become a central area of integration; teachers are prepared for work with multi-language and multicultural pupils;

Knowledge of Estonian - the knowledge of Estonian among non-Estonians will improve significantly and Estonian will become the main language of communication in the society; graduates of schools with instruction in another language will not need to pass any other examinations besides school-leaving examinations to apply for Estonian citizenship;

Change of attitudes - the attitude "non-Estonians as a problem" will be replaced by an attitude "non-Estonians as a development potential and participants in promoting Estonia".

552. Shaping of a common Estonian-language environment will take place in parallel with the creation of favourable conditions for promoting the language and cultural identity of ethnic minorities. Toleration of people different from oneself and mutual recognition will make Estonia an open multicultural society. Positive attitudes of Estonians and non-Estonians towards each other will promote the emerging of a common information area and will value the Estonian language environment and sense of statehood.

553. The project "Support to the national programme for the integration of non-Estonians into Estonian society" was launched on 27 August 1997 with the conclusion of an agreement between the Nordic countries (Sweden, Denmark, Norway and Finland), the United Nations Development Programme and the Government. The project is divided into eight components, one of which is youth work. One of the goals of the activities under the project is to promote knowledge of the Estonian language and Estonian culture and customs among non-Estonian youth. In summer 1999, a competition entitled "Cooperation between youth of different nationalities" was announced to support events in which young people of different nationalities who are permanently residing in Estonia participate. From 50 project applications submitted to the competition, the evaluation committee selected 17. The activities of the projects fall within the period September 1999-January 2000.

554. The Non-Estonians' Integration Foundation financed 20 projects directed at children in 1998 and 1999, from a total of 1.2 million kroons.